CITY OF ROCHESTER COUNCIL AGENDA COUNCIL/BOARD CHAMBERS GOVERNMENT CENTER 151 4TH STREET SE

MEETING NO. 18 AUGUST 4, 2003 REGULAR 7:00 P.M.

PLEDGE OF ALLEGIANCE

PAGI	E	
1-2	A)	NONE: OPEN COMMENT PERIOD
	B)	CALL TO ORDER
	C)	LETTERS AND PETITIONS
3-4	D)	CONSENT AGENDA/ORGANIZATIONAL BUSINESS
	-	1) APPROVED: Approval of Minutes
5-8		2) APPROVED: Proposed Personnel Policy Re: Leave Credit in Lieu of Compensation
9-14		3) APPROVED: Skyway Directories
15-16	6	4) APPROVED: Memorandum of Agreement between the U.S. Government and the City of Rochester
17-20)	5) APPROVED: Grant Agreement for Airport Maintenance and Operation from Mn/DOT Office of Aeronautics
21-24	4	6) APPROVED: Licenses, Bonds and Miscellaneous Activities
25-26	5	7) APPROVED: Request by the Pacific Housing Advisors, Inc., to set a public hearing for September 3, 2003, to consider the issuance of approximately \$5.8 million in public housing revenue bonds by the City of Rochester, Minnesota, for the Eastridge Estates Project
27-28	3	8) APPROVED: Approval of Accounts Payable
29-30)	9) APPROVED: LMCIT Liability Waiver Form
31-32	2	10) APPROVED: Revised Personnel Policy – Payroll Processing
33-34	1	11) APPROVED: Roadway name change: 31 st Street N.W. to Portage Street N.W.
35-38	3	12) APPROVED: Wetland Delineation and Replacement Plan – Maine Street Development

39-40	13)	APPROVED: Use of City of Rochester Police Department Range Facility
41-42	14)	APPROVED: Donation to Police Department
43-44	15)	APPROVED: Real Estate – Settlement for Right of Way
		Acquisition for 55 th Street NW Phase II
45-46	16)	APPROVED: Establish One-Way Alley, north-south alley east
47.50	47\	of 2 nd Avenue NW between 13 th Street and 13 ½ Street NW
47-52	17)	WITHDRAWN: Feasibility Report for Trunkline Sanitary Sewer
53-54	18)	and Watermain to Serve Portions of Sewer Service Area 28E, J7710
	. • ,	APPROVED: Advertise for Bids: Trunkline Sanitary Sewer and Watermain to Serve Portions of Sewer Service Area 28E, J7710
55-56	19)	APPROVED: Owner Contract – Basic Construction in Bamber
		Valley Estates – J5091
57-58	20)	APPROVED: Revocable Permit: Collins Property -
5 0.00	0.43	Landscaping within a Utility Easement
59-60	21)	APPROVED: Owner Contract – Basic Construction in the Villas
61-62	22)	of Valley Side Phase 2 – J5037
01-02	22)	APPROVED: MnDOT Partnership Agreement for TH 63 South/40 th Street Stage 2 Design Services J2269
63-64	23)	APPROVED: Agreement for Project Cancellation – J7216
65-66	24)	APPROVED: Real Estate – City Land Sale – Lots 3, 4, & 5
	,	Elton Hills Business Park
67-68	25)	APPROVED: Installation of Two (2) Parking Meters /
		International Spice and Grocery
69-70	26)	APPROVED: Award of Contract: (J9716 / J9364) Construction
	27)	of Rocky Creek Drive (J9716) and Northern Valley Drive NE (J9364)
	27)	APPROVED: Settlement of ROW Acquisition for 23rd Avenue SW
		SVV
E)		RINGS
71-72	1)	CONTINUED TO SEPTEMBER 3: Continued Hearing
		on Land Use Plan Amendment Petition #03-04 by Morris Memorial
		LLC and Allen Koenig to amend Land Use Plan from Low Density Residential to Industrial on property located along the west wide of TH
		63, east of East River Road NE and north of 41st Street NE.
73-74	2)	CONTINUED TO SEPTEMBER 3: Continued Hearing
		on Zoning District Amendment #03-09 by Morris Memorial LLC and
		Allen Koenig to rezone land from the I District to the M-1 District on property located along the west wide of TH 63, east of East River
		Road NE and north of 41st Street NE

75-76	3)	CONTINUED TO SEPTEMBER 3: Continued Hearing on General Development Plan #206 by Morris Memorial LLC and Allen Koenig to be known as Morris Meadows
77-78	4)	CONTINUED TO SEPTEMBER 3: Proposed Special District #14 to be known as Pebble Creek by Western Walls, Inc.
79-80	5)	CONTINUED TO SEPTEMBER 3: General Development #209 to be known as Pebble Creek by Western Walls, Inc.
81-86	6)	APPROVED: Proposed Project, A Housing Program relating to the Project, and the issuance of Revenue Bonds Under Minnesota Statutes, Chapters 462A and 462C, as amended, on behalf of Samaritan Bethany, Inc.
87-120	7)	CONTINUED TO AUGUST 18: Land Subdivision Permit (Preliminary Plat) #03-19 by Badger Hills LLC to be known as Badger Hills Subdivision
121-132	8)	APPROVED: Final Plat #02-58 by BBB Development, LLC to be known as Ridgeview Manor Third.
133-144	9)	APPROVED: Final Plat #02-64 by Joel Bigelow & Sons Enterprises, Inc. to be known as Kingsbury Hills Fourth Subdivision
145-156	10)	APPROVED: Final Plat #03-08 by GP Development LLC to be known as Fieldstone
157-170	11)	APPROVED: Final Plat #02-33 by Arcon Development Inc. to be known as Crimson Ridge.
171-182	12)	APPROVED: Final Plat #03-25 by Freedom Development and Consulting LLC to be known as The Villas of Valley Side 2 CIC #233.
183-188	13)	APPROVED: Vacation Petition #03-04 by Lumber One Avon Inc. to vacate the drainage and utility easement located on the easterly 5 feet of Outlot A Valley Side Estates and on the westerly 5 feet of Outlot F Valley Side Estates. The property is located east of 40th Ave. SE, north of Trumpeter Drive SE and west of Red Hawk SE.
189-196	14)	CONTINUED TO AUGUST 18: Vacation Petition #03-05 by Brian and Laura Newell to vacate a portion of the 40' drainage and utility easement located along the westerly lot line within Lot 27, Block 2, Emerald Hills Third Subdivision. The property is located at 2943 Rosemary Lane NE.
197-208	15)	APPROVED: Type III, Phase III Conditional Use Permit #03-35 by Mark Leitzen to allow for the placement of fill in the flood fringe district

F) REPORTS AND RECOMMENDATIONS

- **G)** RESOLUTIONS AND ORDINANCES 209-210
 - H) TABLED ITEMS
 - I) OTHER BUSINESS
 - J) ADJOURNMENT

MEETING DATE: 8/4/03

AGENDA SECTION: OPEN COMMENT PERIOD	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. A
ITEM DESCRIPTION: OPEN COMMENT PERIOD		PREPARED BY: S. KVENVOLD

This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:

- This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.
- This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.
- Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.
- Citizens may only use this forum to address the Council on a maximum of one time per month.
- Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.
- Questions posed by a speaker will generally be responded to in writing.

COUNCIL ACTION: Motion by:	Second by:	to:	



MEETING

			DATE: <u>8/4/03</u>
AGENDA SECTION:		ORIGINATING DEPT:	ITEM NO.
CONSENT AGE	NDA	CITY ADMINISTRATOR	D-1-26
ITEM DESCRIPTION: API	PROVAL OF CONSENT AGE	NDA ITEMS	PREPARED BY:
HEW DESCRIPTION, ATT	ROVAL OF CONSENT AGE	ADIT II LIMO	G. NEUMANN
	·		
the items with a single n	notion to approve. The Counc these items which you wish to	the consent agenda for this meeting il President will allow the Council have removed from the consent ag	members an opportunity to
The consent agenda for th	is meeting consists of the follow	ring RCAs:	
1)	Approval of Minutes		
2)		Re: Leave Credit in Lieu of Cor	npensation
3)	Skyway Directories		
4)		ent between the U.S. Governi	ment and the City of
· ' <i>'</i>	Rochester		,
5)	Grant Agreement for Airpo Aeronautics	ort Maintenance and Operation f	rom Mn/DOT Office of
6)	Licenses, Bonds and Misco	ellaneous Activities	
7)	September 3, 2003, to co	Housing Advisors, Inc., to set onsider the issuance of approxoonds by the City of Rochester	imately \$5.8 million in
8)	Approval of Accounts Paya	able	
9)	LMCIT Liability Waiver For		
10)	Revised Personnel Policy -	- Payroll Processing	
11)		31 st Street N.W. to Portage Street	
12)	Wetland Delineation and R	teplacement Plan – Maine Street	Development
13)	Use of City of Rochester P	olice Department Range Facility	
14)	Donation to Police Departr	nent	
15)	Real Estate - Settlement for	or Right of Way Acquisition for 55	i th Street NW Phase II
16)	Establish One-Way Alley,	north-south alley east of 2nd Ave	enue NW between 13 th
•	Street and 13 1/2 Street NV		
17)	Feasibility Report for Trun of Sewer Service Area 28E	kline Sanitary Sewer and Wateri E, J7710	nain to Serve Portions
18)	Advertise for Bids: Trunkli Sewer Service Area 28E,	ne Sanitary Sewer and Waterma I7710	in to Serve Portions of
19)		onstruction in Bamber Valley Esta	ates – J5091
20)		Property – Landscaping within a	
COUNCIL ACTION: M	otion by:	Second by:	to:



Request for Council Action Page 2 August 4, 2003

21)	Owner Contract – Basic Construction in the Villas of Valley Side Phase 2 – J5037
22)	MnDOT Partnership Agreement for TH 63 South/40 th Street Stage 2 Design Services
	J2269
23)	Agreement for Project Cancellation – J7216
24)	Real Estate – City Land Sale – Lots 3, 4, & 5 Elton Hills Business Park
25)	Installation of Two (2) Parking Meters / International Spice and Grocery
26)	Award of Contract: (J9716 / J9364) Construction of Rocky Creek Drive (J9716) and
,	Northern Valley Drive NE (J9364)

COUNCIL ACTION REQUESTED:

Motion to approve consent agenda items

MEETING 5

		DATE: 8/4/03
AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Administration	ITEM NO.
ITEM DESCRIPTION: PROPOSED PERSONNEL POLIC OF COMPENSATION	Y RE: LEAVE CREDIT IN LIEU	PREPARED BY: S. KVENVOLD

The Personnel Advisory Committee (PAC) consisting of Councilmembers Hanson, Stobaugh, and McConnell reviewed the proposed personnel policy at their 7/23/03 meeting and recommended, on a 2/1 vote, that the Mayor and City Council adopt the policy as proposed.

The proposed policy would provide a procedure for the establishment of an authorized salary and the granting of a leave credit in lieu of compensation for an employee whose actual compensation is restricted by the State Compensation limit.

Dakota County and the City of St. Louis Park have adopted similar policies.

COUNCIL ACTION REQUESTED:

Request a motion adopting the prepared resolution which authorizes the personnel polcy as proposed.

COUNCIL ACTION: Motion by:	Second by:	to:	

le

DRAFT

City of Rochester Policy Leave Credit in Lieu of Compensation Above the Governor's Salary Cap

Each employee will be paid that portion of the employee's assigned salary that is permitted by law to be paid. An employee whose salary exceeds an amount permitted by law to be paid is entitled to receive leave hours in lieu of that portion of the salary that is not permitted by law to be paid. The amount of leave hours will be calculated utilizing the employee's actual annual rate of pay established pursuant to the applicable compensation policy and plan. The City Administrator or Department Head is authorized to establish the assigned salary using the provisions of the applicable collective bargaining or meet and confer agreement.

Once an employee's nominal salary has been reached or exceeds the salary cap for his/her position, his/her hourly rate of pay will be the salary cap for the position divided by 2080 hours (the "capped hourly rate").

As the employee will be paid based on a "capped" hourly rate, annual earnings will not match the annual salary cap for the position.

Example:

Salary cap = \$114,288/2080 annual hours = \$54.946 = "capped" hourly rate 26 payrolls = \$54.946 X 80 hrs/pay period = \$4,395.68 X 26 pay periods = \$114,287.68

27 payrolls = \$54.946 X 80 hrs/pay period = \$4,395.68 X 27 pay periods = \$118,683.36

When an employee leaves employment with the City, all severance will be paid at the capped hourly rate.

Each employee will receive leave credits in lieu of all compensation, which exceeds the salary cap for his/her position, as discussed earlier. Leave hours will be credited at the time the City Administrator or Department Head establishes the assigned salary for the employee whose salary exceed the amount permitted by law to be paid. If an employee who has been awarded leave in lieu of compensation pursuant to this policy terminates employment, the employee's leave hours accrual will be prorated accordingly.

Leave Credit Computation

Leave hours in lieu of annual salary will be credited for the difference between the nominal hourly rate and the capped hourly rate. The computation formula is:

(nominal hourly rate – capped hourly rate) X # of hours employee was paid at the capped rate = x x/capped hourly rate = Leave hours to be credited

Example:

Nominal salary = \$120,000/2080 annual hours = \$57.692 = nominal hourly rate Salary cap = \$114,288/2080 annual hours = \$54.946 = capped hourly rate 26 payrolls = (\$57.692 - 54.946) X (80 hrs/pay period X 26 pay periods = 2080) = \$5,711.68/\$54.946 = 103.95 hours 27 payrolls = (\$57.692 - 54.946) X (80 hrs/pay period X 27 pay periods = 2160) = \$5,931.36/\$54.946 = 107.95 hours

COR Policy prepared 7/03



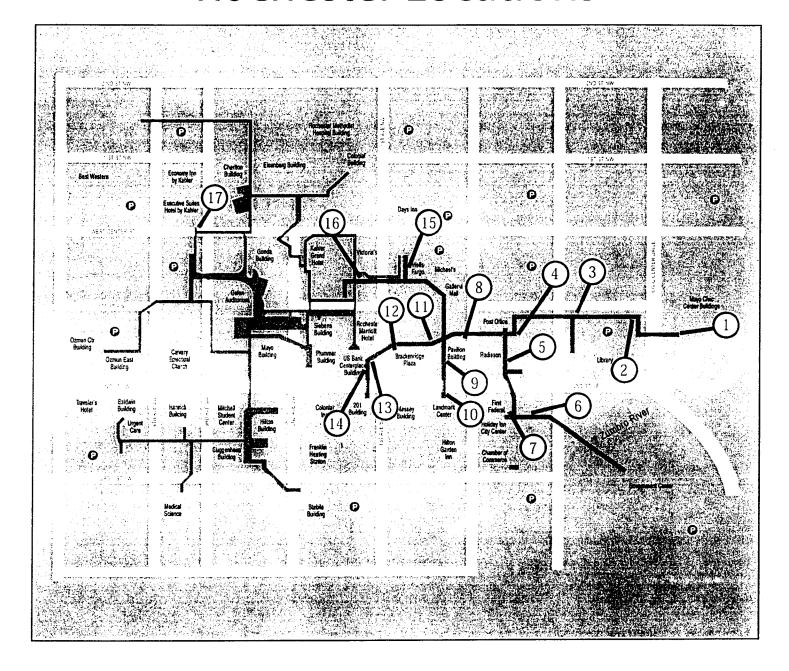
MEETING

		DATE: <u>8/4/03</u>
AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Consent	Administration	D-3
TEM DESCRIPTION: Skyway Directories		PREPARED BY: Doug Knott
Staff requests Council authorization to enter directories for the downtown skyway system on the skyway system, four of which are muruse of the city locations, CityLites will design will be the middle panel in each of the 17 loc property owners for the other 13 locations. In the directories, up to three time per year, as mannes. Previous correspondence on this item and a result of the council authorization to enter it is a system.	. CityLites will install three-panel nicipally owned property. In lieu of a (to city specifications) a skyway a sations. CityLites has already obtain addition to installing the signs, Cinew bridges and buildings are constructed.	advertising signs at 17 locations paying the City any rent for the nd parking directory map that ned the permission of the tyLites will periodically update ructed or as buildings change
COUNCIL ACTION REQUESTED: Authorization to enter into an agreement wind property in exchange for the design and main	ith CityLites for the installation of ntenance of skyway directories at 1	advertising signs on city owned 7 locations in the skyway systen
as shown on the attached map.		
COUNCIL ACTION: Motion by:	_ Second by: to:	





Rochester Locations



City of Rochester City Administrator's Office

Memo

To:

Mayor and City Council

From:

Stevan E. Kvenvold

Date:

June 18, 2003

Subject:

Skyway Directories

The attached memo from Doug Knott discusses a proposal from an advertising firm who would update and install the skyway/subway maps in exchange for erecting advertising signs in the skyways.

I am not an advocate for installing advertising signs in the skyways, however, with the downtown tax increment district revenues drying up with the termination of the downtown TIF and the City's current budget reduction efforts, I do recommend your favorable consideration of the proposal.

I am requesting Doug Knott to work with CityLites to finalize an agreement for your consideration and official action. Please let me know if you have any problems with this approach.

Enclosure

C:

D. Knott



City of Rochester City Administrator's Office



To:

Stevan Kvenvold

From:

Douglas A. Knott

Date:

June 17, 2003

Subject:

Skyway Directories

CityLites submitted a proposal to us to replace the existing city owned skyway directories with lighted three-panel advertising signs. The middle panel would contain a new skyway/subway directory. The CityLites proposal includes seventeen new signs. Thirteen of these would be located on privately owned skyway and subway corridors and four would be located on city owned skyway corridors. There would be no cost to the city for the directories other than minor electrical usage for those signs located on city property. CityLites views the directories as a draw that enhances the value of the adjacent panels. Revenues from the advertising are shared with the building owners. In the case of the City, we would receive new maps, with a commitment by CityLites to maintain and update them, in lieu of any revenue. CityLites currently has a similar arrangement with St. Paul and Duluth. They also do some of the directories for Minneapolis and Des Moines skyway systems.

Our existing skyway directories were installed in the late 1980's and early 1990's. There are several problems with them. The lack of illumination makes them difficult to read. They require periodic updating as new buildings are constructed, businesses change names, or new skyway or subway legs are added to the system. For example, the existing directories do not show the Gonda Building. It is relatively expensive to update the artwork for maps and have them printed. In the past we used TIF funds for this work. No one in the City organization has been assigned the responsibility for maintaining or repairing the directories. We have operated on a complaint basis with DPW staff replacing broken glass or changing the maps as needed.

The proposal from CityLites contains the following elements:

*They would remove our existing directories and make any repairs to the walls where they were attached.

*They will obtain permission and make all of the arrangements for the installation of the new signs with the private owners (I believe that they have already done this).

*They would pay all construction costs associated with the new signs including bringing power to them.

*They would develop new skyway subway maps, to our specifications, and update them up to 2 to 3 times per year, if necessary.

*They want a 5 -Year commitment from the City to the program. They need at least this much time to amortize their costs.

13.

During the recent focus group sessions for the downtown plan, visitors to the community expressed problems with finding their way around the subway and skyway system. The backlit maps are easier to locate and to read than our existing maps. I support the CityLites proposal. Donna Drews and Tony Knauer also support the proposal. If you concur, I will work out the details of an agreement with the CityLites and prepare an item for Council action. If we decide not to go with the CityLites proposal, we need to budget for new maps and assign someone the task of maintaining them

Attached are photos showing the proposed locations.



MEETING

DATE: August 4 2003

			DATE. Tugust 4, 200
AGENDA SECTION:		ORIGINATING DEPT:	ITEM NO.
Consent Ager	nda	Airport	D-4
ITEM DESCRIPTION: of Rochester	Memorandum of Agreement E	Setween the U.S. Government and the City	PREPARED BY: Steve Leque

The Rochester International Airport and the Rochester Police Department seek approval to enter into an agreement with the Government of the United States of America for the reimbursement of law enforcement and security services.

The purpose of this Agreement is to provide reimbursement of the salaries of the City of Rochester at the hourly rate, mutually agreed to by the parties of the reimbursement agreement, for providing qualified security and law enforcement services on-site at the Rochester International Airport and to provide law enforcement response to the security passenger-screening checkpoints in keeping with the requirements provided by the Transportation Security Administration.

The total estimated cost of this Reimbursement Agreement, hereinafter referred to as RA, for fiscal year 2003 shall not exceed \$64,957.68 as reimbursement for the City of Rochester providing the required security and law enforcement services on-site at the airport for response to the security passenger-screening checkpoints in accordance with the terms of the RA. The effective date and term of the RA is June 1, 2003 and shall continue in effect until September 30, 2003, unless terminated earlier by the parties as provided in the RA.

The effective date of the agreement continues until December-1, 2003 or until earlier terminated by the parties. Either party may terminate this agreement at any time prior to its expiration by giving the other party at least thirty (30) days prior written notice of termination

The City Attorney has reviewed and approved the agreement as to form.

COUNCIL ACTION REQUESTED:

Approval for the City of Rochester as owner and on behalf of the Rochester International Airport to enter into an Agreement with the Government of the United States on behalf of the Transportation Security Administration. Approval for the Rochester International Airport to enter into an Agreement for security services. The Airport further requests that the Council adopt a resolution authorizing the Mayor and City Clerk to sign the Agreement.

COUNCIL ACTION: Motion by:	Second by:	_ to:



MEETING

DATE: <u>8/4/03</u>

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Consent	Rochester International Airport	N-5
ITEM DESCRIPTION: Grant Agreement for Airport M Office of Aeronautics.	Maintenance and Operation from MN/Dot	PREPARED BY: Steven W. Leqve
The Rochester Airport Commission recommends and	d requests Council authorization to:	
Accept the Grant Agreement for the Airport Mainten represents \$160,840.00 annually which is about an 1 agreement is in effect for State Fiscal Year 2003 and	8% increase from the previous two-year ag	of Aeronautics. This reement. This
COUNCIL ACTION REQUESTED:		
Adopt the prepared resolution authorizing the Mayor Maintenance and Operation with MN/Dot Office of	and the City Clerk to execute the Grant Again Agronautics for 2003 and 2004.	greement for
COUNCIL ACTION: Motion by: Sec	cond by: to:	





Minnesota Department of Transportation

Office of Aeronautics
Mail Stop 410
222 East Plato Boulevard
St. Paul, MN 55107-1618

Phone: 651/296-8202 Phone: 651/297-1600 Fax: 651/297-5643 Fax: 651/296-1828

July 22, 2003

Mr. Steven W. Leqve Airport Manager Rochester Airport Company Rochester International Airport Helgerson Drive Southwest Rochester, MN 55902

Dear Mr. Leqve:

Subject: State Aid for Airport Maintenance and Operation

Enclosed are four copies of the agreement for requesting state aid for maintaining your airport during all seasons of the year for the biennium July 1, 2003, through June 30, 2005, along with a proposed form of resolution.

For maintenance and operation during the year, the state will reimburse 2/3 of the documented, routine maintenance costs, not to exceed the base amount of state aid as set forth in the agreement for the cost of snowplowing, mowing, fertilizing, re-seeding, rehabilitating runway lights, landing strip markers, and drainage systems, and general maintenance of the runways, taxiways, and apron areas. The base amount of state aid has been calculated for each airport based on the amount of runway infrastructure. This calculation is included herein for your file.

A separate supplement amount that is over and above the base amount is available exclusively for requesting reimbursement of expenses for airport maintenance training activities. This would include attendance at the Minnesota Aviation Symposium by any individual having operational involvement with your airport.

Reimbursement will be based on actual time and cost records kept by the municipality. Prior to any reimbursement being made by the state, the municipality must have a zoning authority established, and such authority must have adopted or be in the process of adopting an airport zoning ordinance in accordance with Minnesota Statutes 360.061 to 360.074. Reimbursement may be denied entirely or in part if the airport is not properly maintained.

If you desire state assistance and agree to comply with the requirements of the agreement, please complete and submit <u>four</u> copies of the agreement and <u>four</u> copies of the resolution to this office for the encumbrance of state funds. (A mailing label is enclosed for your convenience.) An approved copy will be returned for your records.

It is particularly important during the winter and spring seasons, or when hazardous conditions may exist, to keep the air-traveling public informed of the status or condition of your airport. This is accomplished by notifying the nearest Federal Aviation Administration, Flight Service Station and this office.

Sincerely,

Peter D. Buchen, Manager Airport Development Section

Enclosure

Mr. Harris Baker, P.E. Regional Airport Engineer Mn/DOT, Office of Aeronautics 222 East Plato Boulevard Saint Paul, MN 55107-1618

Eligible Items for State Reimbursement:

- * Mowing, snow removal, and other on-site maintenance costs
- * Unit rental rates for city, county, or contracted equipment
- * Operational costs for maintenance equipment, Airport Rescue and Fire Fighting (ARFF) vehicles, and fire extinguishers kept on the airport for airport use
- * Maintenance personnel salaries and benefits
- * Utilities and supplies for areas used by the public, free of charge
- * Maintenance and repair of sponsor-owned hangars and public buildings
- Liability and property insurance
- * Airport's share of general city audit if not part of project costs
- Pavement patching and crack sealing
- * Environmental application and permit fees

<u>Ineligible Items for State Reimbursement:</u>

- * Costs reimbursable from some other source
- * Airport licenses
- * Capital improvements
- * Engineering and architectural services
- * Attorney's fees
- * Airport manager's salary and related administrative expenses
- * Airport commission salaries and expenses
- * Operational and maintenance costs for privately-owned areas and facilities
- * Interest payments
- Mortgage payments
- * Property/real estate taxes
- * Expenses on leased or rented lands (fertilizer, etc.)
- * Costs covered by other agreements (paint striping, beacon repair, VOR and NDB upkeep, unit rental rates for maintenance equipment purchased with state aid)
- * Project audit costs
- * Advertising
- * Memberships
- * Subscriptions

Eligible Items--Supplemental Fund for Maintenance Training:

- * Minnesota Airport Symposium
- * Fire/rescue (ARFF) training
- * Airport maintenance training and workshops
- * AirTap
- * General Aviation Entitlement Workshop
- * Environmental workshop expenses
- * Pavement maintenance conferences



MEETING

21

AGENDA SECTION:
CONSENT AGENDA

ORIGINATING DEPT:
CITY CLERK

ITEM DESCRIPTION: LICENSES, BONDS & MISCELLANEOUS ACTIVITIES

PREPARED BY:
DONNA J SCHOTT

The following licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

DANCE – SINGLE

Abel Garcia 1437 24th Ave SE Rochester, Mn. 55904 Dance at Graham Arena 8/23/03

Church of the Savior 971 16th St SE Rochester, Mn. 55904

Church Parking Lot for National Night Out 8/5/03 9:00 PM to 11:00 PM

FIREWORKS DISPLAY

John Marshall High School 1510 14th St NW Rochester, Mn. 55901

Fireworks for Home Team Touchdowns: 9/5, 9/19, 10/3, 10/15

Graduation: 6/11/04

FIREWORKS DISPLAY

William Loehr DBA Big Top Too Fireworks Rt 1 Box 87 Zumbro Falls, Mn 55991

GAMBLING – PREMISE PERMIT

Knights of Columbus 2030 Hwy 14 East Rochester, Mn. 55904

COUNCIL ACTION: Motion by:	Second by:	_ to:

LICENSES, BONDS AND CITY ACTIVITIES PAGE 2 AUGUST 4, 2003

GAMBLING – TEMPORARY

Interfaith Hospitality Network 811 7th St NW Rochester, Mn. 55901 Raffle 8/25/03 AT Rochester Golf & Country Club 3100 Country Club RD SW Rochester, Mn. 55902

Healing Spirit Metropolitan Community Church 1001 14th St NW Suite 950
Rochester, Mn. 55901
Bingo 11/15/03 AT
Senior Citizen Center
121 North Broadway
Rochester, Mn. 55906

St. Francis Church of Assisi Church 1114 3rd St SE Rochester, Mn. 55904 Raffle 10/5/03 AT Church Auditorium

HOUSE MOVING PERMITS

Semple Excavating, Inc.
92 Ridder Circle
St. Paul, Mn. 55107
Houses to be Moved to Dodge Center from:
1929 & 1930 Elton Hills Dr NW
Rochester, Mn. 55901

PLUMBING

MVP Plumbing 201 Pleasant Hill Dr. Rochester, Mn. 55987

SOUND AMPLIFICATION

Kelsey Kircher
8641 Halloran Ln NW
Rochester, Mn. 55901
Birthday Party 8/15/03 6:00 PM to 11:00 PM
Foster Arends Park

Union Local 21 105 N. Bdwy Rochester, Mn. 55906

LICENSES, BONDS AND CITY ACTIVITIES PAGE 3 AUGUST 4, 2003

Jobless Peace Rally 7/30/03 7:00 AM to 11:00 AM

Peace Plaza

(Prior Approvals: D Hanson, S Means, W Stobaugh, B Nowicki)

Church of the Savior

971 16th St SE

Rochester, Mn. 55904

Church Parking Lot for National Night Out 8/5/03 9:00 PM to 11:00 PM

Susan M. Clark

1505 5th St NE

Rochester, Mn. 55906

Wedding 8/9/03 East Park (Near Federal Medical Center) 12:00 PM to 11:00 PM

Rookies Bar & Grill

1517 16th St SW

Rochester, Mn. 55902

Outdoor Music Festival 8/9/03 7:00 PM to 11:00 PM

CITY ACTIVITIES

Daryl Oldendorf

2005 18th St NW

Rochester, Mn. 55901

Block Party 8/9/03 4:30 PM to 11:30 PM

Juvenile Diabetes Research Foundation

Walk to Cure Cancer 9/13/03 8:15 AM to 11:00 AM

University Center

Rochester, Mn. 55904

Church of the Savior

971 16th St SE

Rochester, Mn. 55904

Church Parking Lot for National Night Out 8/5/03 9:00 PM to 11:00 PM

Brad Finseth

2330 16th Ave NW

Rochester, Mn., 55901

Elton Hills Block Party 8/9/03 4:00 PM to 9:00 PM

Mayo Medical School - AMAStudent Section

Harvest Classic Charity Race 9/27/03

Silver Lake

Steven M. Jensson

303 8th Ave SE

Rochester, Mn. 55904

National Night Out Picnic 8/5/03

3rd St to 4th St of 8th Ave SE

Maggie Hallock 2514 25th St NW Rochester, Mn. 55901 National Night Out Block Party 8/5/03 5:30 PM to 10:00 PM

COUNCIL ACTION REQUESTED

A motion to approve or disapprove the above licenses, bonds and city activities.

REQUEST FOR COUNCIL ACTION	MEETING
	DATE: <u>8/4/03</u>
AGENDA SECTION: ORIGINATING DEPT	
Consent Agenda/Organizational Business Finance Department	D^{-1}
ITEM DESCRIPTION: Request by the Pacific Housing Advisors, Inc. to set a pub for September 3 rd to consider the issuance of approximately \$5.8 million housing revenue bonds by the City of Rochester, Minnesota for the East Project.	in public Dale Martinson
Representatives of Pacific Housing Advisors, Inc. located in Seattle, W Council set a public hearing for September 3 rd , 2003 to consider issurpublic housing revenue bonds (conduit debt) for their project. The bonacquisition and rehabilitation of the 126-unit Eastridge Estates aparts Street SE in Rochester. The property is an affordable housing development of the State contract in place). The property would continue to remain at Pacific Housing Advisors, Inc. is not a 501(c)(3) organization and the State of Minnesota for an allocation of tax-exempt bonding authority. In various categories that can be issued each year, known as the "brapprove of the project and bond issuance, the company will also resolution" that basically asks the state to consider their request in the anathorize publication of the hearing notice. If approved, Pacific Housin hearing to be published, complete the full conduit debt application, and whond counsel for review. Our bond counsel reviews the documents to as considered a legal liability of the City and that in no event shall the obcharged upon any funds of the City. Representatives from Pacific Housing Advisors, Inc. would be availad questions the Council or members of the public may have.	ing approximately \$5.8 million in ands would be utilized to fund the ment facility located at 2009 17 th dopment (with a Section 8 rental approached for a Section 8 rental app
Council Action Requested	
Adopt a resolution calling for a public hearing on the issuance of publi the Eastridge Estates Project.	c housing revenue obligations for
COUNCIL ACTION: Motion by: Second by:	to:



			\sim
RE	QUEST FOR CO	OUNCIL ACTION	MEETING
			DATE: <u>8/4/03</u>
GENDA SECTION:		ORIGINATING DEPT:	ITEM NO.
Consent Agenda		Finance Department	D-8
TEM DESCRIPTION: Approval of Accounts Paya	ahle		PREPARED BY: Dale Martinson
- Approval of Accounts 1 aye			Dale Martinson
Respectfully request a mot	ion to approve the f	ollowing cash disbursement	ts:
Investment purchases of	\$15,848,919.59		
Accounts payable of	\$5,584,140.5 <u>1</u>		
Total disbursements	\$21,433,060.10		
(D. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.			
(Detailed listing of disburse	ments submitted se	eparately.)	
DUNCIL ACTION: Motion by:			



MEETING DATE: 8/4/03

ORIGINATING DEPT: Finance Department	ITEM NO.
	PREPARED BY: Jennifer King
_	

The League of Minnesota Cities Insurance Trust (LMCIT) has indicated that the City of Rochester must choose to waive or not to waive the statutory tort liability limits for this year's renewal of the liability insurance policy through the League of Minnesota Cities Insurance Trust. In previous years, the Council has considered providing additional liability coverage. The decision at that time was not to provide additional insurance above the statutory tort liability limits. Due to the increased cost of the additional coverage and the previous determinations of continuing to provide the statutory tort limits under the City's liability insurance policy, City staff recommends that the Council does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. This recommendation would also include the South Zumbro Watershed Joint Powers Board liability policy provided by the LMCIT.

COUNCIL ACTION REQUESTED:

Approve the recommendation not to waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. Authorize the Mayor and City Clerk to sign the LMCIT Liability Coverage – Waiver Form for the City of Rochester LMCIT policy as well as the Waiver Form for the South Zumbro Watershed Joint Power Board policy.

COUNCIL ACTION: Motion by:	Second by: to:	
	· · · · · · · · · · · · · · · · · · ·	



MEETING 3

DATE: 8/4/03 ITEM NO. AGENDA SECTION: **ORIGINATING DEPT:** Human Resources Consent PREPARED BY: ITEM DESCRIPTION: Revised Personnel Policy - Payroll Processing Linda Gilsrud The Personnel Advisory Committee (PAC) met on July 23 to review the revised payroll processing policy (see attached) for the Personnel Policy Manual. The revised policy was reviewed and recommended for approval by the PAC. Council Action Requested: Request a motion to approve the revised Payroll Processing policy for inclusion in the Personnel Policy manual. COUNCIL ACTION: Motion by:______ Second by:_____ to:

zy?

City of Rochester Personnel Policy Manual Payroll Processing Policy

PAYROLL PROCESSING

Earnings are deposited every other Friday approximately ten days after the pay period ends on a Wednesday. If a payday falls on a bank-designated holiday, employees shall have their pay deposited on the preceding workday.

All earned wages are paid to the employee by direct deposit. Newly hired employees are required to furnish an account number prior to employment with the City so that earnings may be deposited. Account number changes should be reported promptly to Human Resources so earnings are correctly deposited.

Each payday employees will receive an electronic or printed payroll deposit statement (payroll advice) that will be a statement of earnings and deductions for that pay period. It will include a statement of the most recent pay period's earnings and also year-to-date information.

MEETING 33

		DATE: 0/4/2003
AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: PLANNING	ITEM NO.
ITEM DESCRIPTION: Roadway name change: 3	B1st Street N.W. to Portage Street N.W.	PREPARED BY FYKE Janice K. Chezick GIS Supervisor

The plat for Badger Ridge Fourth Subdivision contains a roadway designated as 31st Street N.W. Because addresses exist north and south of the roadway reflecting the 3100 address grid line, 31st Street N.W. must be renamed to Portage Street N.W. to prevent confusion to Emergency Responders. The developer of this plat has agreed to the new roadway name of Portage Street N.W. The Addressing/GIS Staff of the Rochester-Olmsted Planning Department would recommend that 31st Street N.W. be changed to the designation of Portage Street N.W.

There are 3 lots located in Badger Ridge Fourth Subdivision that abut this segment of 31st Street N.W.; Lot 1, Block 1 and Lots 1 and 2, Block 2. There are no current addresses effected by this change.

Two new roadway signs of Portage Street N.W. will need to be installed at the intersection of this roadway with Superior Drive N.W and at the intersection of Kenosha Drive N.W.

Rochester Code of Ordinances, Chapter 31.32, covers recommendations for street identification changes. Rochester Code of Ordinances, Chapter 75.01, covers street name changes.

COUNCIL ACTION REQUESTED:

- 1. Adopt an Ordinance to change 31st Street N.W., platted in Badger Ridge Fourth Subdivision, to Portage Street N.W.
- 2. Direct the City Clerk to file a certified copy of the Ordinance with the County Recorder.
- 3. Request motion to approve and include 1st and 2nd Reading on August 4, 2002. This request is based on the need to install roadway signage, as soon as possible, to avoid confusion or delay to emergency responders and the general public, in addition to allow for the issuing of addresses needed for construction and development projects within this new subdivision.

Attachments:

1. Copy of plat to identify location of roadway is attached. (Badger Ridge Fourth Subdivision)

Distribution:

 City Administrator City Clerk City Attorney 			
COUNCIL ACTION: Motion by:	Second by:	to:	17-1-1

ROW, LINE C.S.A.H. N.O.

BLOCK 1

270'00'00"

250.00

L = 154.53 A = 0056'13' R = 9449.30 CL = 154.53 CL = 154.53 VALLEYHIGH RD. NW C. S. A. H. NO. 4 CHAZ = 85'56'28'

391.40

BADGER

86°16'28" 85.49

RIDGE

THIRD

31 STREET NW.

90,00,00

BLOCK

LOT 1

90'00'00" __446.75

BLOCK 1

85'28'21"

BLOCK 1

KENDSHA

DRIVE

ZE

CHAZ = 354'28'03"

BADGER RIDGE FOURTH SUBDIVISION

폴

DRIVE

SUPERIOR

Δ = 22.19'31" R = 233.00 CH = 90.21 CHAZ = 241'59'03"

.180'00'00"

377.70

L = 60.48 $\Delta = 10'53'48''$ R = 318.00 CH = 60.39CHAZ = 174'33'05''

. 253'08'48" 6.36



ENGINEERS & ARCHITCES SURVEYORS & MEANNERS LANDISCAPE ARCHITCES 222 ESSENDANCES OF BUILDING ROCCIESTES, SURVEY OF BUILDING ACCIESTES, SURVEY OF BUILDING ACCIESTES, SURVEY OF BUILDING LANDISCHOOL OF BUILDING ACCIESTED LANDISCHOOL OF BUILDING ACCIESTED



MONUMENTS

- o Set 1/2" Rebors
- O Set 3/4° Iron Pipes
- Found Monuments

All monuments set have a plastic cap stamped L.S. 22422.



BEARINGS

Plat bearings are Minnesota State Plane Grid Azimuths measured to the right from north.

UTILITY EASEMENT DEFINED

An unobstructed easement for the construction and maintenance of all necessary overhead, underground or surface public utilities, including rights to conduct drainage and trimming on said easement.

DRAINAGE EASEVENT DEFINED

An unobstructed easement for the construction and maintenance of underground and surface drainage facilities and utility easement.

CONTROLLED ACCESS DEFINED

ingress and egress to, from or across the abulting roadway is restricted by the road authority pursuant to Minnesota State Statute 150.08.

U.E. = UTILITY EASEMENT

D.E. = DRAINAGE EASEMENT

CONTROLLED ACCESS

CURVE DATA

NUMBER	LENGTH	DELTA	RADIUS	CHORD	CHAZ
1	14.63	03'43'32"	228.00	14.82	68'08'14"
2	11.18	03.43.32	172.00	11.18	88'08'14"
3	80.42	36'00'00"	128.00	79.11	108'00'00"
4	45.24	36'00'00"	72.00	44.50	108'00'00"
5	45.24	36'00'00"	72.00	44.50	108'00'00
6	61.57	27'35'41"	128.00	60.98	103'46'05"
7	18.85	08"26"19"	128.00	18.84	121'46'51"
A	13.00	03'43'32"	200.00	13.00	88"08"14"
8	62.83	36'00'00"	100.00	61.80	108'00'00'
c	62.83	36,00,00,	100.00	61.80	108'00'00'

850 B

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AGENDA SECTION:
CONSENT AGENDA

ITEM DESCRIPTION: Wetland Delineation and Replacement Plan – Maine Street Development

PREPARED BY:
John Harford, Senior
Planner

July 24, 2003

Wetland Delineation and Replacement Plan:

In 2001 Lawler Environmental identified wetland in the Maine Street development area. According to the wetland report there are 27.03 acres of jurisdictional wetlands in the area generally bounded by the proposed 40th St. on the north, US 63 and 48th St. to the south, and The Garden's development on the east. This application covers only the proposed Maine Street development and stormwater ponds adjacent to 40th St right-of-way and in The Gardens development near CR 101. A general development plan that includes all of these features has been approved for this site. A previous wetland replacement plan was submitted for the road and sewer line construction that caused a total of 12,980 square feet of Type 2 wetland to be filled. This wetland replacement plan will require the filling and draining of a total of 18.79 acres of Type 2 wetland. The wetland replacement ratio is 2:1 and will require a replacement of 37.58 acres.

The replacement wetland is a wetland bank located in Oronoco Township within the Zumbro River watershed. The wetland bank received approval of 34.74 acres by the Board of Water and Soil Resources (BWSR) in early 2003. An additional 2.84 acres of preliminarily approved wetland bank credits are required to meet the minimum 2:1 ratio. The applicant will need to submit a certified check or Letter of Credit to the city for the 2.84 acres until the necessary credits are finally approved by the BWSR

The Technical Evaluation Panel agreed with the wetland delineation. The TEP recommended approval of the wetland replacement plan.

Planning Staff Recommendation: The staff recommends approval of this replacement plan with conditions:

- 1. Submittal of a completed "Application for Withdrawal of Wetland Credits Form" prepared for BWSR.
- 2. Submittal of a Letter of Credit or certified check in the amount of at a minimum \$19,880 with an expiration date of no earlier then October 1, 2004.

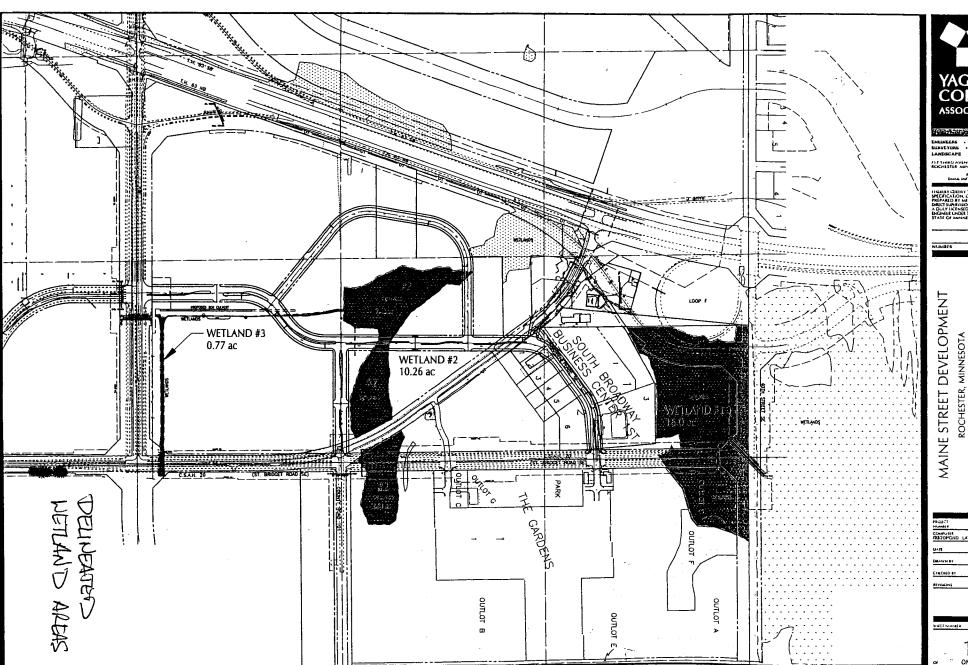
City Council Action:

1. The council should pass a resolution approving the replacement plan with the conditions.

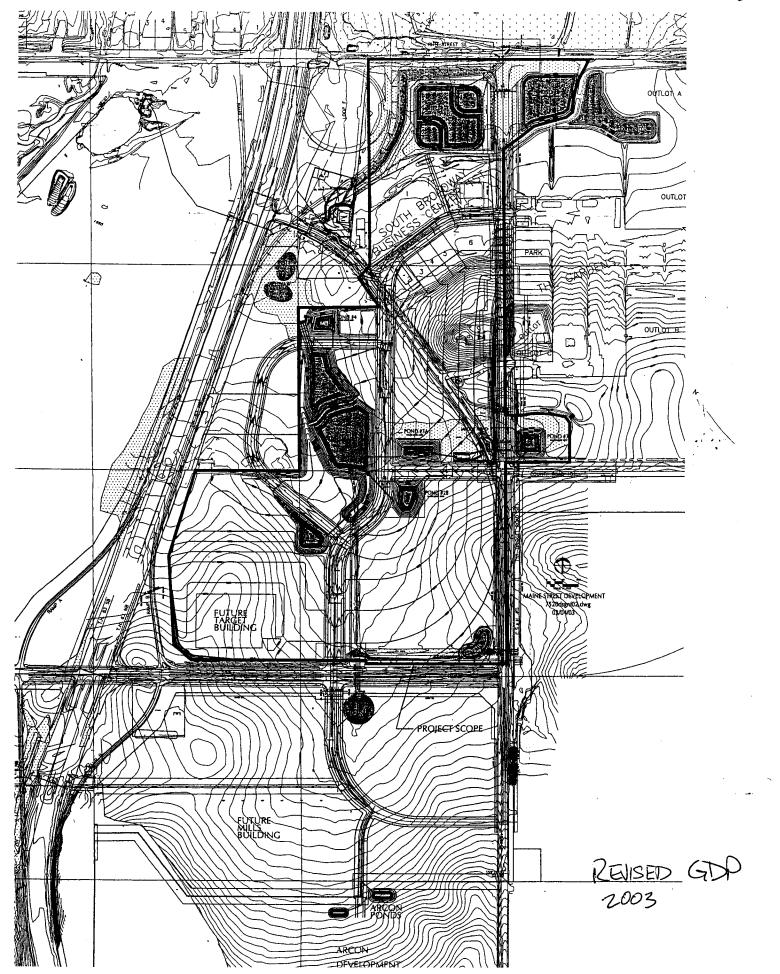
Attachments:

1.	Wetland Replacement	Plan Application	and related re	port information.
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COUNCIL ACTION: Motion by:	Second by:	to:



WETLAND DELINEATION MAP



3

July 23, 2003

Mr. John Harford, Rochester Wetland Administrator Rochester/Olmsted Planning Department 2122 Campus Drive SE Rochester, MN 55904

RE: Addendum – Maine Street Development Wetland Replacement Plan

Dear Mr. Harford:

The Wetland Replacement Plan for Maine Street Development has determined a total wetland impact of 18.79 acres due to development and stormwater management construction activities to occur at the Site. The total replacement area required for this impact is 37.58 acres at a 2:1 replacement ratio. It has been the intent of the developers to provide replacement credits for this entire wetland impact within the same County and watershed. This goal has been achieved through the purchase by the developers of the Rieter Wetland Bank, located in northern Olmsted County within the Zumbro River Watershed.

The Reiter Wetland Bank will immediately provide a total of 34.74 acres of wetland NWC and PVC which are presently deposited in the State Wetland Bank (see Notice of Deposit Credits – Attachment A). In addition, 2.84 acres of remaining replacement credits will be secured at the Reiter Wetland Bank within a restoration site presently converting to a Type 2 wetland community. An existing monitoring and maintenance plan as well as a letter of credit from the developer will insure the deposit of these credits into the State Wetland Bank. The enclosed wetland bank Withdrawal Form will initiate the replacement of wetland impacts at the Maine Street Development concurrent with the proposed impacts. A letter of credit will be secured and provided for submittal to the LGU.

The replacement of all wetland impacts as stated is the intent of the developers of Maine Street Development.

Tom Heyum

1-23-03

Date

MEETING

DATE: 8/4/03

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AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Consent Agenda	Police	D-13
ITEM DESCRIPTION: Use of City of Rochester	Police Department Range Facility	PREPARED BY: Roger Peterson

The Rochester Police Department maintains and administers a firearms range facility located at 4004 West River Parkway, in the City of Rochester. The primary purpose for the range is to meet the mandated training needs for the Rochester Police Department. Rochester Community and Technical College has contacted the Rochester Police Department requesting the use of the City owned range for their law enforcement program. Rochester Community and Technical College has demonstrated that their use of the range is consistent with their mission, past practice in delivery of service and in the interest of public safety. Rochester Community and Technical College is willing to enter into a contractual agreement governing their use of the Rochester Police Department range facility. This contractual agreement was reviewed by the Rochester City Attorney's Office and includes an Insurance Indemnity clause naming the City as an additional insured party for the amount of \$1,000,000.

COUNCIL ACTION REQUESTED:

Approval of the contract between the City of Rochester and Rochester Community and Technical College for the use of the Rochester Police range facility located at 4004 West River Parkway, Rochester, Minnesota.

COUNCIL ACTION: Motion by:	Second by:	to:	
COUNCIL ACTION: Motion by:	Second by:	to:	
COUNCIL ACTION: Motion by:	Second by:	to:	



REQUEST FOR (COUNCIL ACTION	MEETING 4
	<u> </u>	DATE: 8/4/03
AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Police	ITEM NO.
ITEM DESCRIPTION: Donation to Police Department		PREPARED BY: M. Goodsell
Mark Ostien has made a donation to the Rocheste purchase a digital camera for use in the squads. COUNCIL ACTION REQUESTED: Approval to accept \$300 donation from Mark Ost		
COUNCIL ACTION: Motion by: Seco	and by:t):



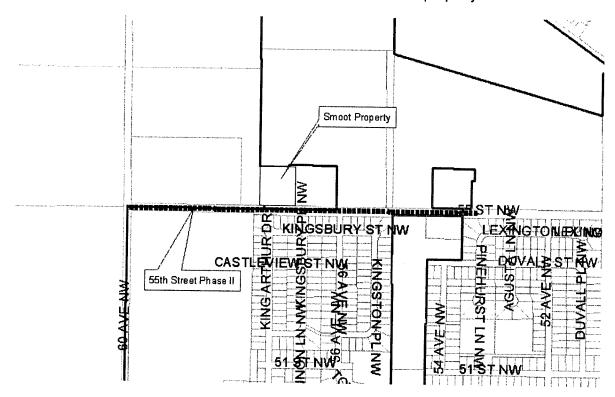
MEETING

DATE:

8/04/03

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	ITEM NO.
ITEM DESCRIPTION: Real Estate – Settlement for Right of Way Acquisition for 55 th Street NW Phase II		it of Way Acquisition for 55 th	PREPARED BY: 87

The City Staff in conjunction with their consulting engineer have been working on the design for the 55th Street Phase II project, extending the roadway West to 60th Avenue NW. Based on the designs that have been developed City staff pursued acquisition of one of the needed properties using the state acquisition requirements. Based on the continued negotiations between the City and the Smoot Family, a preliminary settlement has been reached. The City agrees to pay to the owners \$220,000 as total compensation for the acquisition and relocation impacts related to the property.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Settlement Agreement with the Smoot Family for the affected property.

COUNCIL ACTION: Motion by:	Second by:	to:
P-\I Isers\ROW\MNIGRI IR\RCA\080403 ROW Settle doc		



MEETING

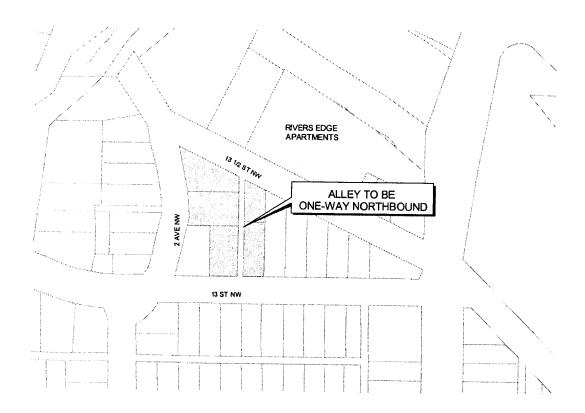
DATE:

45

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	ITEM NO.
ITEM DESCRIPTION: Establish One-Way Alley, north-south alley east of 2 nd Avenue NW between 13 th Street and 13 ½ Street NW.		PREPARED BY:	

A petition has been received to restrict the referenced alley to one-way northbound traffic. The petition was signed by 100% of the property owners adjacent to the alley. Highlighted area of map below shows location of petitioners.

At the present time this is a two-way alley with 10-foot wide bituminous pavement. Traffic from Rivers Edge Apartments (north of 13 ½ Street) is using the alley as a short cut to 13th Street. When two opposing cars meet in the alley, one or both of the cars must drive on the lawns to pass each other.



COUNCIL ACTION REQUESTED:

Adopt a resolution adding a paragraph 14 to Section G "One-Way Streets and Alleys" of the Comprehensive Traffic and Parking Resolutions Book, to read: "The north-south alley east of 2nd Avenue NW between 13th Street and 13 ½ Street, one-way northbound."

COUNCIL ACTION: Motion by:	Second by:	to:



MEETING

47

DATE:

A OFNIDA OFFICE		T	
AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	ITEM NO.
ITEM DESCRIPTION:	Feasibility Report for Trunkline Sa Servce Portions of Sewer Service	Feasibility Report for Trunkline Sanitary Sewer and Watermain to Servce Portions of Sewer Service Area 28E, J7710	
			77

This is the Feasibility Report for the construction of sanitary sewer and watermain to serve portions of sewer service area 28 in a project described as follows:

Project No. M2-40, J7710

"Trunkline Sanitary Sewer and Watermain Extension to Serve Portions of Section 20 of Cascade Township, Sewer Service Area 28E."

The estimated construction costs and expense of this project are as follows:

Estimated Project Cost and Expense	\$	216,100
Easements		25,000
	Ф	191,100
Sub-total w/ EI&C	•	
Engineering/Interest/Contingencies		44,100
	\$	147,000
Sub-Total		10,000
Restoration		•
Erosion Control		5,000
		66,000
Watermain	Φ	66,000
Sanitary Sewer	\$	66 000

Project Funding Sources

The Feasibility Report proposes that the project be funded from Development and/or Contribution Agreements between the City of Rochester and the petitioner of the project (the petitioner's estimated charges represent 60.0% of the estimated project cost), and from future charges from Owner's of other undeveloped properties that are served by the project that did not petition for the project.

The petitioner of the project Mac Hamilton will be required to enter into Development and/or Contribution Agreements prior to the advertisement of bids for the project.

Payment of 50% of the estimated charges for the Hamilton property is required when the project is 50% completed. Payment of the balance of the actual charges for Hamilton's property is required after the project is completed and the final project quantities and costs have been determined.

COUNCIL ACTION REQUESTED:

1. Adopt a resolution accepting the Feasibility Report.

Attachments: Feasibility Report
Project Location Map

COUNCIL ACTION: Motion by:	Second by: to:



REPORT ON THE FEASIBILITY OF PROPOSED LOCAL IMPROVEMENT PROJECT

Trunkline Sanitary Sewer and Watermain Extension to Serve Portions of Section 20 of Cascade Township, Sewer Service Area 28E

Honorable Mayor & Common Council City of Rochester, Minnesota

A petition for sanitary sewer was forwarded by the City Council at their meeting of July 1, 2002 to the Public Works Department for the preparation of a Feasibility Report. Mac Hamilton filed the petition. The petition was checked and found to be in proper form.

Mr. Hamilton's petition represents 50% of the property owners affected by the project.

Feasibility Report

We report that the above referenced project is feasible and recommend its construction provided that Mr. Hamilton enters into Development and/or Contribution Agreements for 54% of the project costs with the City prior to the advertisement of bids for the project.

The costs for this project are proposed to be recovered through Development and/or Contribution Agreements with Mr. Hamilton and future Development and/or Contribution Agreements for the development for the two properties affected by the project.

Scope of Project

The project consists of the extension of a 10" sanitary sewer and 12" watermain that is currently available on the west side of West Circle Drive NW. This 10" sewer and 12" watermain is proposed for extension from that location westerly along the alignment of a future roadway that is to be located on the Shefelbine property.

Availability of Trunkline Sanitary Sewer

The properties can be served by the existing trunkline sanitary sewer system. Therefore, the construction of, and/or the extension of trunkline sanitary sewer are not required. The sewer proposed for construction in this project eventually flows into the Kings Run trunkline sanitary sewer. The Kings Run trunkline sanitary sewer is scheduled for replacement over the next several years, as the trunkline is rapidly approaching its capacity.

Availability of Trunk Watermain and Water Towers

The properties can be served by existing trunk water distribution systems and water towers, therefore the construction and/or extension of trunk watermain or water towers is not required. Rochester Public Utilities has indicated that a new water tower will be required as other property in the area develops. The location of a new tower to serve this area is located on 50th Avenue NW in the approximate alignment of 41st Street NW.

Easements

The extension of the proposed sanitary sewer and watermain will need to be constructed on property owned by Alton Shefelbine. Since Mr. Shefelbine is not proposing to develop his property at this time, the acquisition of easements may be required for the proposed sanitary sewer and watermain extension project. The estimated project costs contained in this Feasibility Report includes an item for the acquisition of an easement from Mr. Shefelbine. The cost of any easement will be included as a project cost.

Estimated	l Construction	Cost and	Expense	of the Project

Sanitary Sewer	Ф. СС 000
Watermain	\$ 66,000
\cdot	\$ 66,000
Erosion Control	\$ 5,000
Restoration	\$ 10,000
Sub-total	
	\$147,000
Engineering, Interest & Contingencies (estimated at 30%)	+ 44,100
Γ	\$191,100
Easements	\$ 25,000
Total	\$216,100

Project Funding Sources

Hamilton Property	\$129,660	(60% of the estimated project cost)
Shefelbine Property	\$ 73,440	(future charges)
Rochester Public Utilities	\$ 13,000	(oversize watermain)
Estimated Project Cost	\$216,100	

Mr. Hamilton should be required to enter into Development and/or Contribution Agreement with the City prior to the advertisement of bids for the project. The Agreement will require Mr. Hamilton to pay the charges attributable to his property as follows:

Hamilton Property

Annexation of the property is required by July 31, 2003 and prior to the City Council opening bids for the construction of the project.

Payment of 50% (\$70,680.00) of the estimated charges attributable to the Hamilton property is required when construction of the project is 50% completed and within 30 days of written notice (invoice) by the City to Mr. Hamilton for that payment.

The actual charges attributable to the Hamilton will be determined after the project is completed and the final project quantities and costs are determined. Payment of the actual charges less \$70,680.00 is required within 30 days of written notice (invoice) by the City to Hamilton for payment of the final share of the project costs.

Shefelbine Property

Payment of the charges for the Shefelbine property is required when each property is developed. Interest will be charged at 7.5% simple interest for up to 10-years from the date that the project is substantially completed to the date that the charges and accrued interest attributable the property are paid in full. If the property owner has not paid the connection charges by the end of 10-years, then the connection charges



shall be adjusted on August 1st of each year based on the change in the Engineering News Record/Construction Cost Index for the Minneapolis/St. Paul area during the preceding 12 months.

Payment of a proportional share of the charges plus accrued interest is required within 30 days of City Council approval of a City-Owner contract for each phase of the development of the property. If a City-Owner contract is not required for a phase of development then payment of a proportional share of the charges plus accrued interest is required within 30 days of the City Council approving the Final Plat for that phase of development.

Additional Development Related Charges

In addition to Sanitary Sewer and Watermain Connection Charges required from the Shefelbine property lying directly adjacent to the proposed project, and the Charges for the Hamilton property and Alpha property the three (3) properties are also subject to the following development related charges for other City of Rochester public improvement projects:

Storm Water Management

Onsite storm water sedimentation facilities will be required to serve each of the properties during development. Private storm water management facilities shall be designed to serve each respective property. Cost of construction of these facilities is the developer's expense. In the event that a portion or portions of the property are not served by these onsite facilities, then the acreage of these areas are subject to a Storm Water Management Fee of \$2,211.76 per acre for low-density residential development. Multi-family development and commercial/industrial development uses will be calculated on a case-bycase basis.

Sewer Availability Charge

The properties are subject to a Sewer Availability Charge of \$1,790.25 per developable acre for use of the City of Rochester trunkline sanitary sewer lines.

Water Availability Charge

The properties are subject to a Water Availability Charge of \$1,790.25 per developable acre for use of the City of Rochester water tower and trunk watermain distribution lines.

Note:

The rates for Storm Water Management, Sewer Availability Charge, and Water Availability Charge are adjusted on August 1st of each year based on the change in the Engineering News Record/Construction Cost Index for the Minneapolis/St. Paul area during the preceding 12 months. The rates shown in this Feasibility Report are in effect through July 31, 2003.

Prior to the advertisement of bids for the project, Mr. Hamilton should be required to enter into Contribution Agreements and/or Development Agreements for his property.

Submitted for your consideration: Approved: Richard W. Freese

James M. Loehr. Water Quality Protection Program City Engineer

Project Manager

BUDGET AND ASSESSMENT SCHEDULE FOR CONSTRUCTION CONTRACT

Project No:

M2-40

Date (Orig.)

August 4, 2003

J No:

J7710

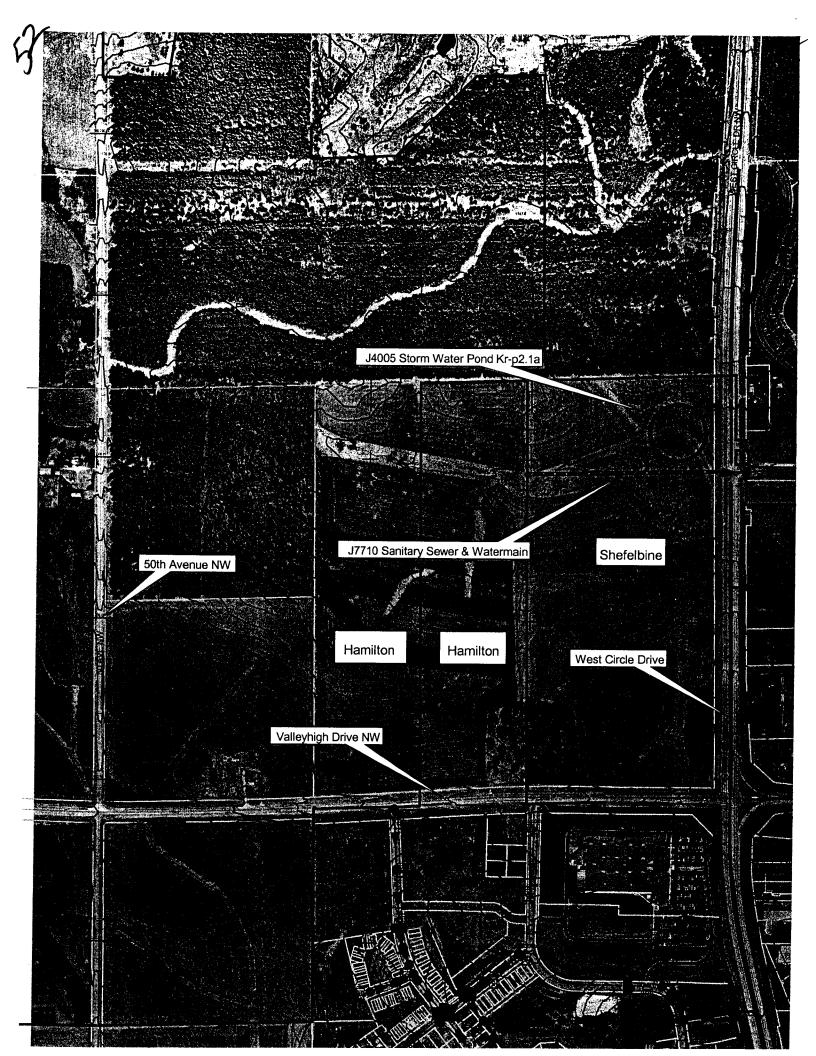
Description:

Trunkline Sanitary Sewer and Watermain Extension to Serve Portions of Section 20 in

Cascade Township, Sewer Service Area 28E.

Project Cost	Project Budget	Contract Cost	Final Cost
Sanitary Sewer	\$ 66,000		
Watermain	66,000	The same same	7
Restoration	10,000	-10	
Erosion Control	5,000		
Construction Cost	\$ 147,000		
Engineering/Interest/Contingency	44,100		
Construction & Expense	\$ 191,100		
Easements	25,000		-
Total	\$ 216,100		
Cost Distribution			
Hamilton Property Developer/Contribution Agreement	\$ 116,660		
Shefelbine Property Future Charge	86,440		
RPU, Oversize Watermain	13,000		
TOTAL ESTIMATED COST	\$ 216,100		

Make Initial Disbursement from P. I. R. Fund



MEETING

DATE:

5)

8/4/03

AGENDA SECTION: CONSENT AGENDA		ORIGINATING DEPT: Public Works	ITEM NO.
ITEM DESCRIPTION:		dvertise for Bids: Trunkline Sanitary Sewer and Watermain to ervce Portions of Sewer Service Area 28E, J7710	
			177

This is a request for a resolution to advertise for bids. The bids will be received until 11:00 AM at the office of the City Clerk on August 28, 2003 and considered by the City Council on September 3, 2003 for the following project:

Project No. M2-40, J7710

"Trunkline Sanitary Sewer and Watermain Extension to Serve Portions of Section 20 of Cascade Township, Sewer Service Area 28E."

Project Funding Sources

The Feasibility Report proposes that the project be funded from Development and/or Contribution Agreements between the City of Rochester and the petitioner of the project (the petitioner's estimated charges represent 60.0% of the estimated project cost), and from future charges to undeveloped property that are served by the project, but the owner's of the property did not petition for the project.

The petitioner of the project Mac Hamilton will be required to enter into Development and/or Contribution Agreements prior to the advertisement of bids for the project.

Payment of 50% of the estimated charges for the Hamilton property is required when the project is 50% completed. Payment of the balance of the actual charges for Hamilton's property is required after the project is completed and the final project quantities and costs have been determined

COUNCIL ACTION REQUESTED:

A resolution should be adopted authorizing the City Clerk to advertise for bids and conduct a bid opening on August 28, 2003 at 11:00 AM.

Note to City Clerk;

Att: Bid Note

Advertise 2 times in the **Post Bulletin beginning August 6, 2003** and In the **Construction Bulletin beginning August 8, 2003**.

m are construction bulletin beginning August 6, 2005.

COUNCIL ACTION: Motion by:	Second by:	to:



MEETING

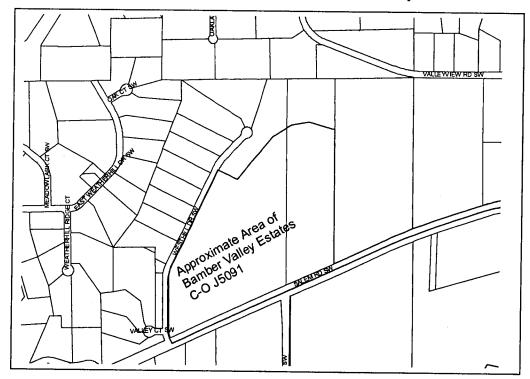
DATE:

8/4/03

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	ITEM NO
ITEM DESCRIPTION:	Owner Contract – Basic Construction in Bamber Valley Estates - J5091		PREPARED BY: M. Baker MA

Staff would offer the following Owner Contract project for consideration by the Council:

Bamber Valley Estates LLC (Owner) & Griffin Construction Co. LLP (Contractor) are requesting a City / Owner Contract J5091, consisting of "Basic Construction in Bamber Valley Estates".



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5091 "Basic Construction in Bamber Valley Estates".

COUNCIL ACTION: Motion by:	Second by:	to:



REQUEST FOR COUNCIL ACTION MEETING

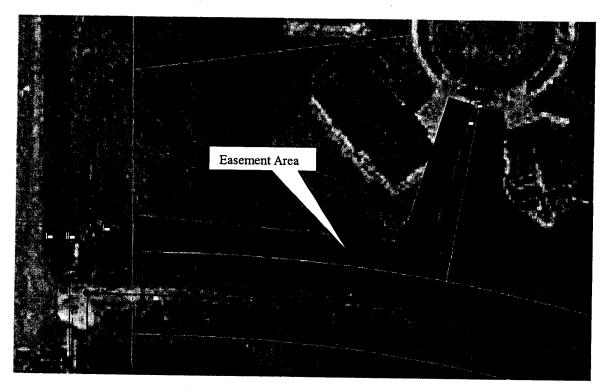
DATE:

08/04/03

AGENDA SECTION: CONSENT		ORIGINATING DEPT: Public Works	ITEM NO20
ITEM DESCRIPTION:	Revocable Permit: Collins Property – Landscaping within a Utility Easement		PREPARED BY:

The Owner has requested a Revocable Permit to allow the placement of plant material within the easement abutting the Easterly and Southerly lines of Lot 3 Block 1 of Foxcroft South Subdivision. The Owner and staff have had discussions on details of the use of the easement area.

Staff has reviewed the request and would recommend in favor of granting a Revocable Permit. The owners have executed a Revocable Permit which includes the standard language for revocation and liability protection for the City.



COUNCIL ACTION REQUESTED:

D. I I care DOWN MAITCRID DO ALOOMO DEVI doo

Authorize the Mayor and City Clerk to execute the revocable permit John & Heike Collins to allow the placement of a landscaping within the easement area of Lot 3 Block 1 Foxcroft South Subdivision.

COUNCIL ACTION: Motion by:	Second by:	_ to:



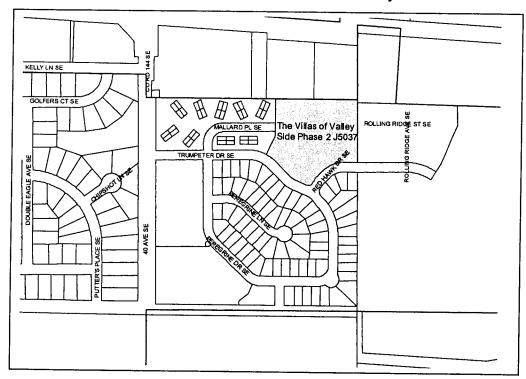
MEETING

DATE: 8/4/03

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	ITEM NO.
ITEM DESCRIPTION:	Owner Contract – Basic Construct Phase 2 - J5037	ction in The Villas of Valley Side	PREPARED BY: M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Lumber One Avon, Inc. (Owner) & Elcor Construction, Inc. (Contractor) are requesting a City / Owner Contract J5037, consisting of "Basic Construction in The Villas of Valley Side Phase 2".



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5037 "Basic Construction in The Villas of Valley Side Phase 2".

COUNCIL ACTION: Motion by:	Second by: to:	



MEETING

6/1/03

DATE:

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	D-22
ITEM DESCRIPTION:	MnDOT Partnership Agreement for Stage 2 Design Services, J2269	or TH 63 South / 40 th Street	PREPARED BY:

This agreement is between the State of Minnesota, acting through its Commissioner of Transportation and the City of Rochester through its City Council.

- 1. Under Minnesota Statutes §174.02, subdivision six, The Commissioner may enter into agreements with other governmental units for sharing equipment, staff, data, or other means of providing transportation-related services; or for other cooperative programs that promote efficiencies in providing governmental services.
- 2. The State will be performing final design of the interchange of Trunk Highway 63 and 40th Street
- 3. The final design work includes design services for the portions of SP 5509-62 (T.H. 63) that involve roadways such as 40th Street, Commercial Drive and Woodlake Drive under City's jurisdiction, and the City agrees to reimburse the state for performing such services.
- 4. The effective date of this agreement shall be July 31, 2003, or the date the State obtains all required signatures under Minnesota Statutes § 16C.05, subdivision 2, whichever is later.
- 5. The agreement shall expire on July 31, 2005 or when all obligations have been satisfactorily fulfilled, whichever occurs first.
- 6. The State will document all Project costs. Project costs will include: labor costs for state employees, billed at their actual rate; and cost of materials and supplies; and consultant costs, if any.
- 7. The City will pay to the State 33% of the estimated total Project cost amount. The County will pay to the State 33% of the estimated total Project cost amount. Total Project cost is estimated at \$235,100.00. The City's total obligation under this agreement is \$77,583.00. The State will invoice the City for \$38,791.50 immediately after execution of this agreement, and for another \$38,791.50 when the project is at 50% completion.

Public Works staff has reviewed the agreement and scope of work and recommends Council approva of the MnDOT Partnership Agreement for TH 63 South / 40th Street Stage 2 Design Services. Stage 2 (40th Street) construction letting is currently planned for Fall 2004.

COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the MnDOT Partnership Agreement for TH 63 South / 40th Street Stage 2 Design Services, J2269.

COUNCIL ACTION: Motion by:	Second by:	to:



MEETING

43

DATE:

08/04/03

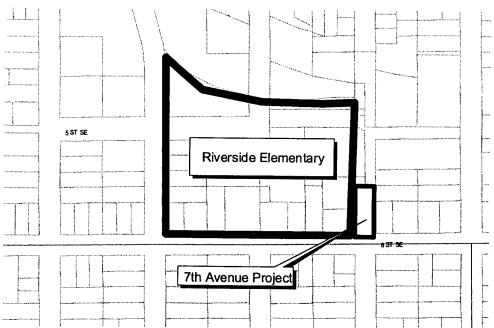
AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	TEM NO.
ITEM DESCRIPTION: Agreement for Project Cancellation - J7216		PREPARED BY: M. Nigbur

The City previously initiated the public improvement project J7216 for "Curb & Gutter/Overlay on 7th Avenue - 6th Street to Street End". This one block project was planned to occur in 2003 and therefore all of the hearings were held for the assessments. However, as the project entered the design phase the City staff reevaluated the need to perform this project at this time.

Based on staff review it was determined that overlaying the street with bituminous would provide sufficient life cycle extension to warrant the deferral of adding the concrete curb & gutter at this time. The street has been overlayed and the original project must be cancelled.

The Owners affected by the proposed curb & gutter assessment were contacted regarding the cancellation of the project and have executed an agreement whereby they agree the project should be cancelled and the assessments for the original curb & gutter project should be removed.

Staff recommends the Council approve the Cancel Project Agreement. The Owners have executed the Agreement.



COUNCIL ACTION REQUESTED:

P-\IJsers\ROW\MNIGBUR\RCA\080403 Agreement doc

Authorize the Mayor and City Clerk to execute the Agreement with Ventas Inc, and ISD 535 for project cancellation.

COUNCIL ACTION: Motion by:	Second by:	to:	



MEETING

65

DATE:

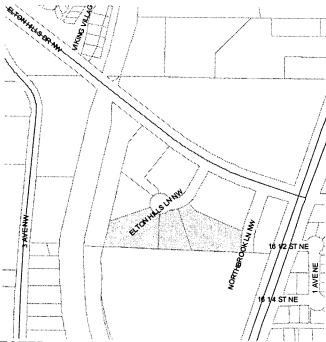
08/04/03

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	1TEM NO. D-24
ITEM DESCRIPTION:	Real Estate – City Land Sale – Lo Park	ot 3, 4, 5 Elton Hills Business	PREPARED BY: M. Nigbur

The City staff has previously executed an option agreement for the remaining parcels of land the City owns in the Elton Hills Business Park. The Buyer has requested a slight modification in the option agreement that would provide additional soils correction to the Buyer. Both the Staff and Buyer are agreeable to this modification. The final conditions of the sale include:

- Purchase price of \$171,000
- No Billboards on the property.
- No Adult Entertainment establishments
- Soils correction on Lot 5 only in an amount not to exceed \$20,000.00 10,000.
- Taxes prorated to Date of Closing.
- Execution of necessary quit claim documents by the Buyer for Lots 5, 6, & 7 Block 3 Willow Center Subdivision.

This pending transaction also eliminates probable litigation on property the City owns along 40th Street SW.



COUNCIL ACTION REQUESTED:

Adoption of a resolution authorizing the modification to the Option Agreement and sale of Lot 3, 4, & 5 Elton Hills Business Park to Dan Penz for a total amount of soils correction assistance of \$20,000 vs. \$10,000.

City staff further recommends to the Council that the disposal of the real property covered by this resolution has no relationship to the City's comprehensive plan. As such, the Council should dispense with the requirement of Minnesota Statute Section 462.356, Subd. 2 that might require the City Planning and Zoning Commission to perform a comprehensive plan compliance review of the action described by this Request for Council Action.

COUNCIL ACTION: Motion by:	Second by:	_ to:



MEETING <u>8-04-03</u> DATE:

AGENDA SECTION:		ORIGINATING DEPT:	ITEM NO.
CONSENT AGE	NDA	PUBLIC WORKS	10-25
ITEM DESCRIPTION:		WO (2) PARKING METERS/ SPICE AND GROCERY	PREPARED BY: A. KNAUER

International Spice and Grocery has moved into their new store at 125 East Center Street. They have requested two 30-minute meters in front of their business. The available frontage will accommodate two spaces plus adequate setback from the crosswalk. This area was formerly a driveway area serving Avis Car Rental.

Staff recommends approval.

REQUESTED COUNCIL ACTION

Adopt the prepared resolution adding paragraph (7.5) to Section I, Zone C "30-Minute Meters" of the Comprehensive Parking and Traffic Resolutions Book to read:

7.5) East Center Street, on the north side, two (2) 30-minute metered spaces in front of the premises known as "International Spice and Grocery", located at 125 East Center Street.

COUNCIL ACTION: Motion by:	Second by:	to:



MEETING

DATE:

Ø1/

08/04/03

AGENDA SECTION:		ORIGINATING DEPT:	ITEM NO.	
CONSENT	AGENDA	Public Works	D-26	
ITEM DESCRIPTION:	AWARD OF CONTRACT: (J971 Construction of Rocky Creek Driv Drive NE (J9364)	•	PREPARED BY: D. Nelson	

Bids were received and opened after 11:00 a.m., July 29, 2003 for the following local improvement project:

Project Number

State Aid Project 159-148-02

and

State Aid Project 159-141-01

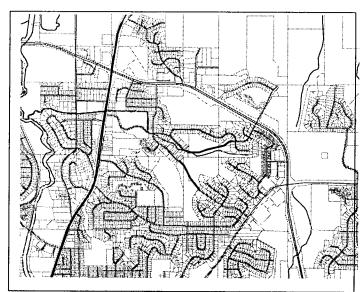
City Number M0-78 (J-9716)

City Number 8901-97 (J-9364)

Project Name

"Construction of Rocky Creek Drive and Northern Valley Drive NE"

This project is included in the 2003 – 2008 Capital Improvement Program, item #9 and #10, page 32. The project is proposed to be funded from State Aid funds, Developer Contributions and Water and Sewer Utility funds.



The following bids were received:

 Total Bid

 1. Rochester Sand & Gravel
 \$ 984,189.19

 2. McHugh Excavating
 \$1,110,835.70

 3. Road Constructors, Inc.
 \$1,126,111.62

 4. Ames Construction
 \$1,346,300.00

Engineers Estimate

\$1,140,443.50

The Public Works Department recommends the City Council proceed with an award to the low bidder.

COUNCIL ACTION REQUESTED:

Adopt a resolution awarding the contract, (J9716 / J9364) Construction of Rocky Creek Drive and Northern Valley Drive NE to Rochester Sand & Gravel.

COUNCIL ACTION: Motion by:	Second by:	to:
		, , , , , , , , , , , , , , , , , , ,



MEETING

DATE:

8/04/03

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

D-27

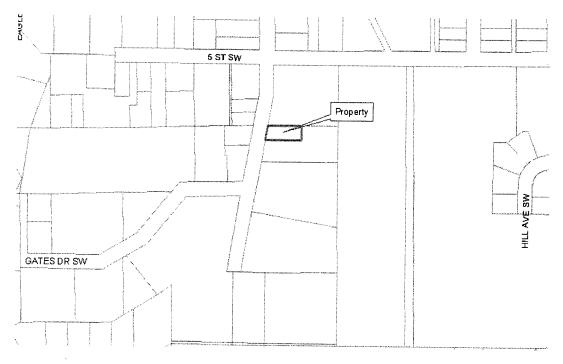
ITEM DESCRIPTION:

Real Estate - Settlement for Right of Way Acquisition for 23rd

Avenue SW

PREPARED BY: 37

The City Staff in conjunction with their consulting engineer have completed the design and construction is ready to begin for the 23rd Avenue SW project. Based on the designs that have been developed City staff pursued acquisition of one of the needed properties using the state acquisition requirements. Based on the continued negotiations between the City and the Jeff Louris, a preliminary settlement has been reached. The City agrees to pay to the owners \$1,300.00 as total compensation for temporary easement, yard resloping and appraisal reimbursement verses the appraised value and the required appraisal reimbursement equaling \$700.00.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to direct City Staff to complete the acquisition in the amount of \$1,300 for Jeff Louris for the affected property.

COUNCIL ACTION: Motion by:	Second by:	_ to:

		11
REQUEST FOR COUNCI	MEETING	
	DATE : 8 <u>-4-03</u>	
AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS – Continued Item	PLANNING	E-1
ITEM DESCRIPTION: Land Use Plan Amendment Petition		PREPARED BY:
and Allen Koenig to amend the Land Use Plan designatio to "Industrial" on approximately 33.48 acres of land. The west side of TH 63, east of East River Road NE and north	Brent Svenby, Planner	
July 30, 2003		
This item was continued at the July 21, 2003 meets property owner, MnDOT, Public Works and Plannin TH 63 has not been resolved. We have received response from the City under the 60-day rule. continued to the September 3 rd meeting.	ng on the access to TH 63. At the second of the first term of the applicant was a second of the first term of the second of the first term	his time the access to niving their right to a
 Distribution: 1. City Administrator 2. City Attorney 3. Planning Department File 4. Applicant: This item will be considered some time after Chamber at the Rochester – Olmsted Government Center 5. Civil Engineering Services Company 	7:00 p.m. on Monday, August 4, 200 Building	3 in the Council / Board

COUNCIL ACTION: Motion by: Seconded by: to: _____.



CIVIL ENGINEERING SERVICES COMPANY

5300 HIGHWAY 63 SOUTH ROCHESTER, MINNESOTA 55904 (507) 282-3776

July 24, 2003

Mr. Brent Svenby, Planner Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

RE: Proposed Morris Meadows Subdivision

Dear Mr. Svenby:

The owners of the referenced subdivision hereby request that the Rochester City Council hearings regarding a Land Use Plan Amendment, Zoning District Amendment, and a General Development Plan be continued to the September 3, 2003 City Council Meeting. We hereby waive our right to a response from the City Council under the City's 60-day rule.

Very truly yours,

Lowell Penz, for Morris Memorial LA

Allen Koenig

Allen T.

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MEETING

MEETING DATE: 8-4-03

AGENDA SECTION: PUBLIC HEARINGS – Continued Item	ORIGINATING DEPT: PLANNING	E-2
ITEM DESCRIPTION: Zoning District Amendment #03-09 Koenig to rezone approximately 33.48 acres from the I (In Commercial-Industrial) zoning district. The property is lo 63, east of East River Road NE and north of 41 st Street NE	PREPARED BY: Brent Svenby, Planner	

July 30, 2003

This item was continued at the July 21, 2003 meeting to allow the applicants to work with the adjacent property owner, MnDOT, Public Works and Planning on the access to TH 63. At this time the access to TH 63 has not been resolved. We have received a letter from the applicant waiving their right to a response from the City under the 60-day rule. The applicants have asked that the application be continued to the September 3rd meeting.

Distribution:

- 1. City Administrator
- 2. City Attorney
- 3. Planning Department File
- 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, August 4, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE.
- 5. Civil Engineering Services Co.

DUNCIL ACTION:			
otion By:	Seconded By:	Action:	



CIVIL ENGINEERING SERVICES COMPANY

5300 HIGHWAY 63 SOUTH ROCHESTER, MINNESOTA 55904 (507) 282-3776

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Very truly yours,

Lowell Penz. for Morris Memorial L

Allen Koenig



MEETING

TIE GOLOT TOTT GOOMS	IL AUTION	
		DATE: 8-4 <u>-03</u>
AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS- Continued Item	PLANNING	E-3
ITEM DESCRIPTION: General Development Plan #206 to Morris Memorial LLC and Allen Koenig. The applicant is property with commercial and industrial uses. The plan patterns on the property to the west and storm water delocated along the west side of TH 63, east of East River INE.	proposing to develop the also identifies future roadway tention facilities. The property is	PREPARED BY: Brent Svenby, Planner
July 30, 2003		
This item was continued at the July 21, 2003 meeting owner, MnDOT, Public Works and Planning on the acce resolved. We have received a letter from the applicant day rule. The applicants have asked that the application	ss to TH 63. At this time the acces waiving their right to a response fro	s to TH 63 has not been m the City under the 60-
 Distribution: 1. City Administrator 2. City Attorney 3. Planning Department File 4. Applicant: This item will be considered some time afte Chambers in the Government Center at 151 4th Street SE 5. Civil Engineering Services Co. 	r 7:00 p.m. on Monday, August 4, 2 	003 in the Council/Board

Second by:_

to:

COUNCIL ACTION: Motion by:____



CIVIL ENGINEERING SERVICES COMPANY

5300 HIGHWAY 63 SOUTH ROCHESTER, MINNESOTA 55904 (507) 282-3776

July 24, 2003

Mr. Brent Svenby, Planner Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

RE: Proposed Morris Meadows Subdivision

Dear Mr. Svenby:

The owners of the referenced subdivision hereby request that the Rochester City Council hearings regarding a Land Use Plan Amendment, Zoning District Amendment, and a General Development Plan be continued to the September 3, 2003 City Council Meeting. We hereby waive our right to a response from the City Council under the City's 60-day rule.

Very truly yours,

Lowell Penz, for Morris Memorial L.

Allen Koenig

MEETING

17

	OFUE A STORY			DATE: 8-4-03
^	AGENDA SECTION:	ORIGINATIN	NG DEPT:	ITEM NO.
L	PUBLIC HEARINGS		LANNING	F-4
1	TEM DESCRIPTION: Proposed Special District fo located west of 60 th Ave. NW, south of the 55 th St considered concurrent with this application.	r Pebble Creek/SD . alignment. A GD	#14. The property is P is being	PREPARED BY: Brent Svenby, Planner
N h	uly 30, 2003 IOTE: The applicant submitted revised Special Di as been submitted, the Special District Ordinance ugust 27 th . Staff recommends that the Council cor	will be coboduled t	Fan amadhau	
<u></u>	Council Action Needed:			
1.	Continue this Item to the September 15 th	Meeting.		
n:	ot-llout:			
DI	stribution:			
3. 4.	City Administrator City Attorney , Planning Department File McGhie & Betts, Inc. Applicant: This item will be considered some time after 7: Government Center at 151 4th Street SE.	00 p.m. on Monday A	ugust 4, 2003 in the Coun	cil / Board Chambers in the
				l de la companya de



MEETING

19

DATE: 8-4-03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	PLANNING	F-5
ITEM DESCRIPTION: General Development Plan #209 t Plan includes nearly 400 acres of land located west of Road, east of County Road 3, and south of the 55 th St. proposal, for Pebble Creek, is being considered conci	60 th Ave. NW, north of Valleyhigh NW alignment. <i>A Special District</i>	PREPARED BY: Brent Svenby, Planner
July 30, 2003		
NOTE: The applicant submitted revised Special District has been submitted, the Special District Ordinance and public hearing before the CPZC on August 27 th . Staff September 15 th meeting.	General Development Plan will be	scheduled for another
Council Action Needed:		
1. Continue this Item to the September 15 th Me	eting.	
 City Administrator City Attorney Planning Department File McGhie & Betts, Inc. Applicant: This item will be considered some time after 7:00 p. Government Center at 151 4th Street SE. 	m. on Monday August 4, 2003 in the Cour	ncil / Board Chambers in the
COUNCIL ACTION: Motion by: Se	cond by: to:	I
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REQUEST FOR COUNCIL ACTION		MEETING
		DATE: <u>08/04/03</u>
AGENDA SECTION: Hearings	ORIGINATING DEPT: Finance Department	ITEM NO.
ITEM DESCRIPTION: Public Hearing to Consider Authorizing the Sale and Issuance of Housing Health Care Revenue Bonds, Series 2003		PREPAREĎ BY: Dale Martinson

Officials of Samaritan Bethany, Inc. requested this hearing to consider their proposal that the City issue revenue bonds on behalf of their firm in the approximate amount of \$7,600,000. The monies from the proposed issuance would be used to refund (refinance) outstanding bonds in the aggregate principal amount of \$6,630,000 which were used to finance or refinance their facility consisting of 95 units of multifamily housing for elderly persons, a 62-unit skilled nursing facility located in downtown Rochester and a 120-bed skilled nursing facility located at Samaritan Bethany Heights. Remaining proceeds would be used for renovation projects of the three facilities and for closing costs of the financing. The lower interest rates and revised repayment structure of the proposed bonds would reduce total annual debt service costs and provide a small net present value savings over the life of the financing.

The City hires "issuers bond counsel" to review all of the documents associated with such an issuance and provide assurance that these bonds "will not constitute an indebtedness, pecuniary liability, moral or general obligation, or a loan of the credit of the City or a charge, lien or encumbrance, legal or equitable, upon any property of the City and that repayment is solely from the revenues and property specifically pledged by Samaritan Bethany, Inc. for such payment." Further, this issue will not constitute a debt of the City within the meaning of any constitutional, statutory or charter debt limitation.

A representative of Samaritan Bethany will be available at the hearing to address any questions that may come up. It should be noted that Council did approve an exception to the City's policy on minimum denomination of bonds offered and therefore these will be sold in increments of \$5,000.

Approval of the attached resolution authorizes the Mayor and City clerk to execute final documents for the issue upon sale.

Recommendation:

Approval of the attached resolution giving approval to the issuance of revenue bonds on behalf of Samaritan Bethany, Inc. and authorizing Mayor and City Clerk to execute necessary documents.

COUNCIL ACTION: Motion by:	Second by: to:	



CITY OF ROCHESTER, MINNESOTA

PROGRAM FOR A MULTIFAMILY HOUSING DEVELOPMENT AND HEALTH CARE FACILITY UNDER MINNESOTA STATUTES, CHAPTER 462A AND 462C

SAMARITAN BETHANY, INC. PROJECT

General Program

The City believes that a need exists to maintain housing and health care facility options available to seniors within the City. To meet the elderly housing needs, the City intends in its discretion to encourage the development and maintenance in the City of multifamily housing and health care facilities particularly adapted to the needs of elderly residents. As a secondary benefit, to the extent elderly residents can be relocated into suitable multifamily and health care facility units, additional single family detached units may become available for sale to families of younger residents. A major method available to the City to facilitate construction and maintenance of multifamily housing and health care facilities is the issuance of tax-exempt bonds under Minnesota Statutes, Chapters 462A and 462C, and Section 145 of the Internal Revenue Code of 1986, as amended (the "Code"). The specific activities described in this Housing Program will be undertaken to further the policies and goals stated in the City's Housing Plan, which for these purposes is deemed to be the City's Consolidated Plan dated December, 1994.

Description of the Development To Be Financed

Samaritan Bethany, Inc. (the "Owner") has represented to the City that it is a corporation exempt from taxation pursuant to Section 501(c)(3) of the Code and has proposed to modify, maintain and refinance indebtedness with respect to its multifamily housing and health care facilities, consisting of a 29-unit assisted living residence, a 66-unit independent apartment residence, a 62-unit skilled nursing unit, and a 120-bed skilled nursing unit (together, the "Project"). Facilities comprising the Project are located at Eighth Street Northwest, 700 Second Avenue Northwest, and 1530 11th Ave. Northwest, each in the City.

Reference is made to <u>Exhibit A</u> attached hereto, which has been provided by the Owner, for a description of the building, renovation projects and other attributes of the Project, as provided by or on behalf of the Owner.

Revenue Bond Financing

The Owner proposes that the City finance the renovation and maintenance of and refinancing of indebtedness with respect to the Project by issuing revenue bonds (the "Bonds") in an amount not to exceed \$7,500,000 for its tax-exempt Series 2003A, and in the amount of

approximately \$100,000 for its taxable Series 2003B, the revenue bonds to be issued pursuant to the authority of Minnesota Statutes, Sections 462C.05, subdivisions 1 and 4, 462C.07, subdivision 1, and 462A.08, subdivision 2.

The Owner has indicated that the underwriter of the Bonds will be U.S. Bancorp Piper Jaffray, Inc.; that the Bond sale is expected to be completed by the end of August, 2003; that the attached Exhibit B is a Sources and Uses of Funds Summary showing, on a preliminary basis, the Bonds to be issued and the costs to be paid; and that it is likely that the final sources and uses will vary from this Exhibit – but that the aggregate principal amount of Bonds to be issued will not exceed the figures above.

The Bonds will not be general or moral obligations of the City, and will not be payable from or secured by City funds or other assets, but will be secured only by the revenues and property specifically pledged by or on behalf of the Owner to the payment thereof pursuant to the revenue agreement and trust indenture pursuant to which the Bonds will be issued.

Meeting Needs of Low and Moderate Income Persons

It has been represented to the City by or on behalf of the Owner that pursuant to Section 462C.05, subdivision 4, no statutory income limits are applicable to the Project because the Project is designed for rental primarily to elderly persons. Further, Section 145 of the Code imposes no income or rent limits on developments financed with "qualified 501(c)(3) bonds" pursuant to said Section.

Bond Allocation

Since the Owner anticipates that the Series 2003A Bonds will be issued on a tax-exempt basis as "qualified 501(c)(3) bonds" pursuant to Section 145 of the Code, the Owner has represented that no allocation of bonding authority is required pursuant to the provisions of Section 146 of the Code.

Monitoring Methods

No special monitoring by the City is anticipated to be necessary in connection with the construction or refinancing of the Project, but any such monitoring will be provided or arranged by the Owner. Proceeds of the Bonds proposed to be issued to finance the renovation of the Project are expected by the Owner to be held and disbursed by a trustee bank during renovation, and it is believed the disbursement procedure exercised by the trustee bank and the oversight exercised by certain other parties will be adequate to insure that the financing and refinancing of the Project as presented are in fact carried out. The Project must be operated by the Owner in accordance with various operating covenants (relating to such things as maintenance, insurance, etc.) to be contained in the revenue agreement to be entered into by the City, the Owner and certain other parties, which revenue agreement will be assigned by the City, substantially to the extent of the City's interests, to the trustee bank as security for the Bondholders. The issuance of



the Bonds shall be subject to the final approval by the Rochester Common Council in its sole and absolute discretion.

All costs incurred by the City in connection with the Project will be paid by the Owner.

Housing Program Dated July 16, 2003 Public Hearing To Be Held August 4, 2003



EXHIBIT A

Description of Buildings, Renovation Projects and other Attributes of the Project

Most of the proceeds of the Bonds will be used to refund the City's Nursing Home and Multifamily Housing Revenue Bonds (Samaritan Bethany, Inc. Project), Series 1996A, and Nursing Home and Multifamily Housing Revenue Bonds (Samaritan Bethany, Inc. Project), Series 1996B Bonds, which are presently outstanding in the aggregate amount of \$6,630,000. The proceeds of the Bonds to be used for expenditures with respect to the Project may be used for:

--acquisition of property adjacent to the downtown campus of the Owner

--capital improvements to the 62-unit skilled nursing facility and 120-bed skilled nursing facility, potentially including bed replacement and bathroom upgrades (lighting, paint, wall repair, floor replacement)



EXHIBIT B

Sources and Uses of Funds Summary

Sources of Funds	
Bond Proceeds	\$7,600,000
Reserve Fund from 1996 Bonds	\$ <u>530,000</u> \$8,130,000
<u>Uses of Funds</u>	
Principal of Refunded Bonds	\$6,630,000
Interest on Refunded Bonds	\$
Capital improvements and Land	
Acquisition	\$500,000
Funding of Reserve Fund with Respect to the Bonds	\$530,000
Costs of issuance of the Bonds	\$ <u>250,000</u> \$

MEETING DATE: 08-04-03

81,

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO.
ITEM DESCRIPTION: Land Subdivision Permit (Prelimina to be known as Badger Hills Subdivision. The Plat propo into 171 lots for residential development and 5 outlots. T dedication for public roadways. The applicant is also req Land Alteration to permit site grading that will modify gra portions of the property. The property is located along th NW, west of West Circle Drive and east of 50 th Avenue NW	ses to subdivide 79.50 acres of land he plat also proposes right-of-way uesting approval of a Substantial des by more than 10 feet on the north side of Valley High Road	PREPARED BY: Theresa Fogarty, Planner

July 30, 2003

Note: Clarification regarding the requirement for pedestrian facilities along 41st Street NW was discussed, between City Public Works and the Planning Department, see attached Memorandum from Planning Department, dated July 30, 2003.

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on July 9, 2003 to consider this preliminary plat.

Mr. Mac Hamilton, Chief Manager of Badger Hills LLC, addressed the Commission. He stated that he agree with most of the conditions but had comments on conditions #1 (e), #5, #6 and # 11. Mr. Hamilton also asked the Commission to give consideration with the mid-block connections that lead people directly to and from the neighborhood park, to be considered as parkland.

The Planning Commission found that this preliminary plat will conform with the applicable criteria with the following conditions or modifications:

1. The Plat shall be revised.

- a. Adding the directional of NW to 41 Street so it reads "41 Street NW".
- b. Coordinating with the Planning Department GIS Division, numbering or naming all other roadways within this plat.
- c. The location map on the face of the plat shall be changed to Cascade Township coordinates T107N. Currently location map indicates Rochester Township coordinates T106N.
- d. Providing an additional utility easement along the south lot lines of Lot 1, Block 1 and Lot 1, Block 2, as requested by Rochester Public Utility Water Division Memorandum, dated June 18, 2003 and Operations Division Memorandum, dated June 17, 2003.
- e. Dedicating a 30' wide outlot mid-block connection in the vicinity of Lots 7 & 8 of Block 15, and two 30' wide outlot midblock connections in the vicinity of Lots 9 & 10 and Lots 19 and 20 of Block 11.
- f. Indicating controlled access along the entire frontage of Valleyhigh Drive NW, with the exception of any approved street accesses. Additional controlled access is required within 250 feet of the right-of-way intersection of Valleyhigh Road NW and Avenue "A" and along the entire frontage of 41 Street NW.
- g. Dedicating a public pedestrian facility easement, of sufficient width to accommodate construction and maintenance of said facilities, at no cost to the City for the pedestrian paths along 41st Street NW and Valleyhigh Road NW as shown on the preliminary plat outside of the right-of-way.

COUNCIL ACTION: Motion by:	Second by:	to:

RCA #03-19 Preliminary Plat – Badger Hills Subdivision 7/30/2003

- 2. Dedication of parkland and cash with payments shall be handled in the form outlined in the June 26, 2003 Memorandum from the Rochester Park and Recreation Department. The parkland dedication for Block 1, Lot 1 and Block 2, Lot 2 shall be calculated when the site plans and number of dwelling units are known.
- 3. The applicant shall dedicate Outlot "A" to the City when graded and turf is established and when the site is accessed via public street.
- 4. Upon request by the City, the applicant shall dedicate all 30' wide mid-block pedestrian connection outlots to the City and the owner shall be obligated to grade and construct a 10' wide bituminous pedestrian path for the connection, prior to dedication to the City.
- 5. The roadways leading to the cul-de-sacs appear to be less than 28 feet and shall be posted "No Parking" along both sides of the roadway. 28' wide roads allow for parking on one side only. The cul-de-sacs appear to be less than 96 feet in diameter and shall be posted "No Parking". In addition, "No Parking" shall be allowed on either side of 41st Street NW and on Avenue "A", within 200 feet of the Valleyhigh Road NW right-of-way.
- 6. Development of this plat will be limited to 1200 daily trips until a second access is provided to this property. The phasing of final plats may be required to limit the number of lots being established, prior to construction of the second access.
- 7. The applicant is responsible for identifying wetlands on the property and submitting the information. The applicant is also responsible for completing and providing to the Planning Department, a Wetland Delineation. Any filling of wetland shall require an Alternatives Analysis and Replacement Plan.
- 8. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges & Traffic Improvement District charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent property, and contributions for public infrastructure, including the applicants up front contribution required for the extension of the J7710 Sanitary Sewer & Watermain project to serve this property.
- 9. Phasing for development of the northerly portion of this plat with gravity flow sanitary sewer will be dependent on extension of services through the currently undeveloped property east of this plat, or will require a private lift station. A feasibility report has been requested and is being prepared by Public Works for the proposed J7710 Project.
- 10. Grading and Drainage Plan approval is required prior to submitting the final plat. A Stormwater Management Fee shall apply to any areas of this proposed development that do not drain into the existing on-site detention facilities in Badger Ridge.
- 11. Pedestrian facilities shall be required along both sides of all new public roadways within this property, as well as, along the entire northerly frontage of Valleyhigh Road NW. A bituminous pedestrian path shall be required along the 41st Street extension, Valleyhigh Road and all park access points including the midblock connections, in lieu of a five foot concrete sidewalk.
- 12. Ownership and Maintenance of Outlots "D" and "E" shall be addressed prior to Final Plat approval.
- 13. The applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property.



Mr. Quinn moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-19 by Badger Hills LLC to be known as Badger Hills Subdivision with staff-recommended findings and conditions as revised by Ms. Baker and also changing condition number 5 to indicate that it would be a 28 foot roadway with parking on one side. Mr. Haeussinger seconded the motion. The motion carried 8-0.

Mr. Quinn moved to recommend approval of the Substantial Land Alteration based on the staff-recommended findings. Ms. Petersson seconded the motion. The motion carried 8-0.

Planning Department Recommendation:

See attached staff report, dated July 2, 2003.

Council Action Needed:

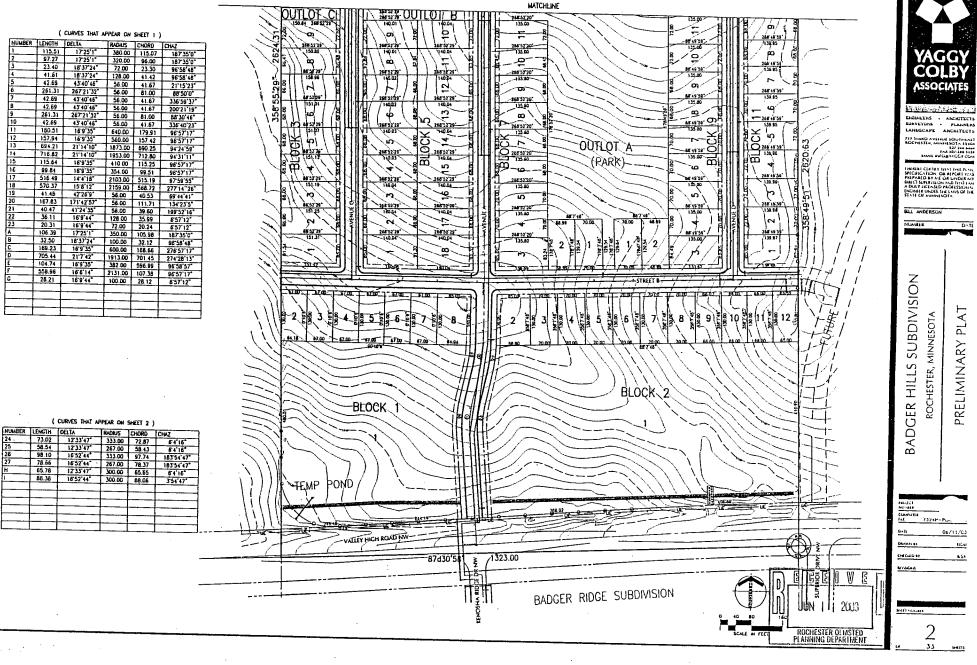
- The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial in paragraph 61.225 can be made.
- The Council should include a motion to adopt findings to support either approval or denial of the proposed Substantial Land Alteration Activity.

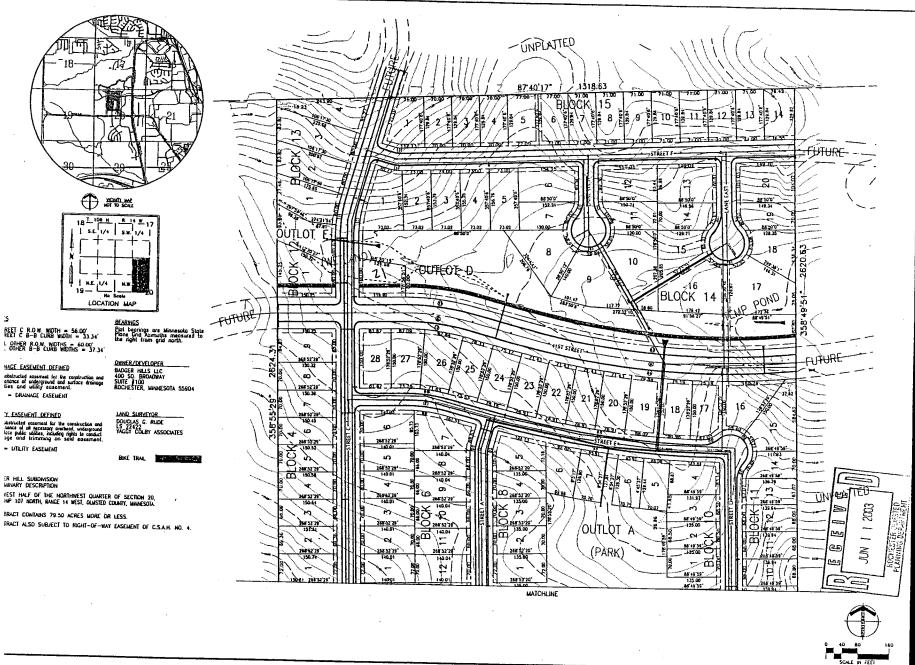
<u> Attachments:</u>

- 1. Staff report, dated July 2, 2003.
- 2. Minutes of the July 9, 2003 CPZC Meeting.
- 3. Memorandum from Rochester Park & Recreation, dated July 15, 2003.
- 4. Memorandum from Planning Department, Phil Wheeler, dated July 30, 2003.

Distribution:

- 1. City Administrator
- 2. City Attorney
- 3. Planning Department File
- 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, August 4, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
- 5. Yaggy Colby Associates





ASSOCIATES est Chipping 1920

ENGINEERS - ARCHITECTS SURVEYORS - PLANNERS LANUSCAPE ANCHITECTS 717 THIRD AVENUE BOUTHEAST ROCHESTER, MINNESOTA 13906 307 246-666 FAX 197-28-606 EMAIL INFOSTACCY.COM

HARRY CERTOR THAT THIS PLAN-SPECIFICATION, OR REPORT WAS PREPARED BY ANE OR UNDER MY DIRECT SUPPRINCEMEND THAT IS A DUTY INCENSED PROFESSIONAL ENGINEE OLDER THE LAWS OF THE STATE OF MININGS.

BILL ANDERSON

SUBDIVISION

ADGER HILLS ROCHESTER,

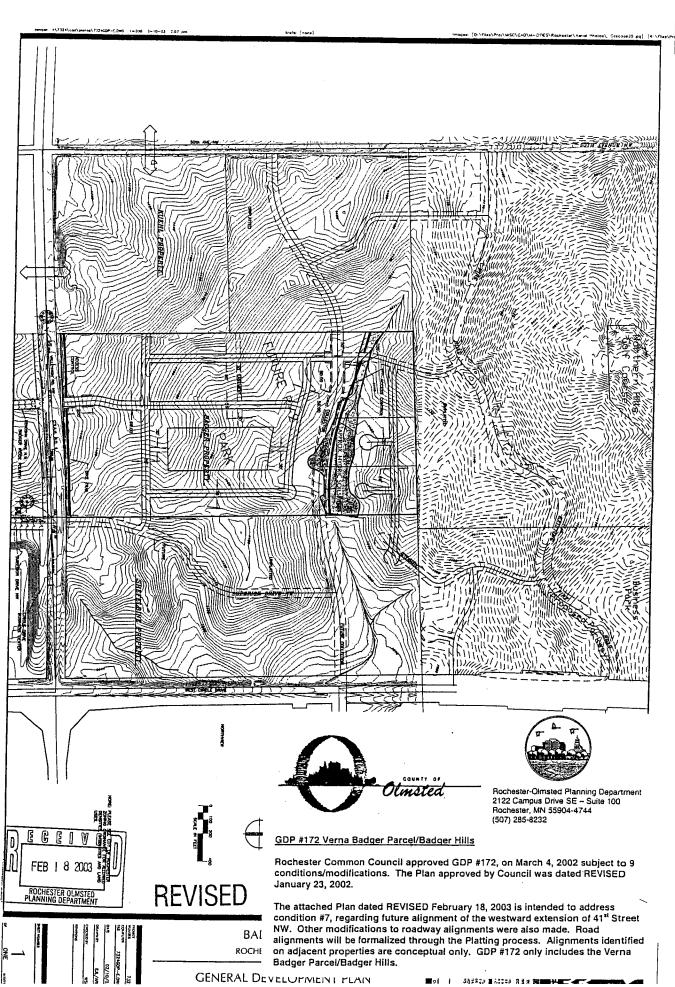
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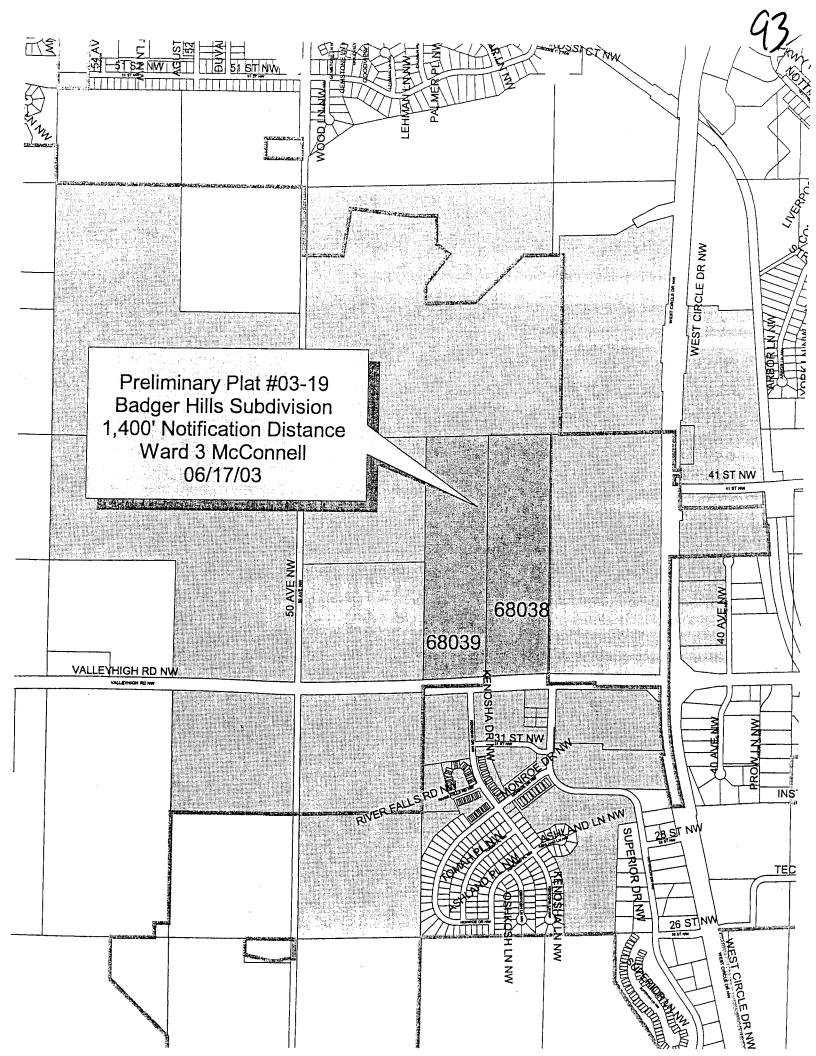
NUMBER

PRELIMINARY PLAT

06/11/03 NCH CHICKO P.

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ROCHESTER – OLMSTED PLANNING DEPARTMENT 2122 CAMPUS DRIVE SE, SUITE 100, ROCHESTER, MN, 55904-4744 PH: (507) 285-8232 FAX: (507) 287-2275

To: Theresa Fogarty, Planner

C: Richard Freese, PE, Rochester Public Works Director

From: Phil Wheeler, AICP, Planning Director

Date: July 30, 2003

Re: Badger Hills Preliminary Plat #03-19

At the Planning and Zoning Commission meeting of July 9, in response to the issue you raised in your staff report of July 2 with regard to pedestrian facilities along 41st Street NW, the applicant (Mac Hamilton) reported that the draft Development Agreement for the property had waived the requirement for pedestrian facilities along the south side of 41st Street NW. I have explored this issue with Richard Freese and confirmed that Public Works has negotiated with the applicant to eliminate this requirement in exchange for right of way dedication and the reservation of land along the south side of 41st Street NW for future acquisition by the City. Public Works Director Richard Freese explained his reasoning for this based on projected traffic flows along 41st Street warranting a design as a minor arterial.

We would recommend requiring pedestrian facilities along all streeets in the neighborhood, including 41st Street NW. It is certain that 41st Street NW will function as a collector or minor arterial, carrying significant amounts of traffic. In addition, 41st Street provides access for this neighborhood to major employers in the vicinity, as well as commercial uses, neighborhood parks in Lincolnshire, and the Douglas Trail. It could serve as a significant corridor for pedestrian and bicycle travel between the neighborhoods west of Circle Drive and attractions on the east side. Requiring these movements to cross 41st Street to get to a trail on the north side presents both a deterrent to such movements and a potential safety hazard.

However, based on the precedent established with Spruce Meadows (where a sidewalk along an interior street was not required because the properties would be served by a pedestrian facility along 11th Avenue SE), the Council has established a basis for waiving the requirement for a pedestrian facility. In my opinion, if the Council decides to proceed with waiving this requirement, the facility that should be eliminated is the sidewalk serving the north side of the interior street. That street will be a local or minor local street with minimal traffic conflicts for pedestrians.



ROCHESTER PARK AND RECREATION DEPARTMENT

July 15, 2003

TO:

Mitzi Baker, Planning

Theresa Fogarty, Planning

FROM:

Denny Stotz

RE:

Badger Hills

I understand the issue to be: "do mid-block connections qualify for parkland dedication credit"? No

In the case of Badger Hills, the 30' accesses to the neighborhood park would certainly qualify. The four accesses are actually part of the outlot that will be dedicated and are not really mid-block connections. Nevertheless, they look like mid-block connections so I thought I'd address them.

The issue of connections that are not direct and adjacent to the park connections has been raised by others in the past. In administering the dedication ordinance, the Park Department has taken the position that a trail or sidewalk corridor that provides direct connection to a neighborhood park should qualify for parkland dedication if the applicant installs the trail / sidewalk. The amount of credit is determined by the width and length of the actual trail installed. The corridor would be owned by the City and maintained by the Park Department. Authority for extending dedication credits for trail corridor connections to neighborhood parks was included in the 1999 amendment to parkland dedication requirements of the platting ordinance.

If the trail or walk does not make a direct off-road connection to the park, then it should not qualify. In the Badger Hill scenario, the mid-block connections do not provide a direct connection...the connections terminate at a street and not at the neighborhood park.

ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

www.olmstedcounty.com/planning



TO:

City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE:

July 2, 2003

RE:

Land Subdivision Permit (Preliminary Plat) #03-19 by Badger Hills LLC to be known as Badger Hills Subdivision. The Plat proposes to subdivide 79.50 acres of land into 171 lots for residential development and 5 outlots. The plat also proposes right-of-way dedication for public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located along the north side of Valley High Road NW, west of West Circle Drive and west of 50th Avenue

NW.

Planning Department Review:

Applicant/Owner:

Badger Hills LLC

Riverside Building, Suite 100

400 South Broadway Rochester, MN 55904

Surveyors/Engineers:

Yaggy Colby Associates 717 Third Avenue SE Rochester, MN 55904

Referral Comments:

RPU Water Division RPU Operations Division Park and Rec. Department

Rochester Public Works Department Planning Department - Addressing staff

Rochester Fire Department

Wetlands LGU

Report Attachments:

- 1. Land Development Manual Excerpts
- 2. Referral Comments (7 letters)
- 3. Location Map
- 4. Copy of Preliminary Plat
- 5. General Development Plan
- 6. Memo from Yaggy Colby Associates, dated June 9,
- 7. Copy of Substantial Land Alternation Map



BUILDING CODE 507/285-8345 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224 PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345 FAX 507/287-2275

97

Page 2 Preliminary Plat #03-19 Badger Hills July 2, 2003

Development Review:

Location of Property:

The property is located along the north side of Valley High Road NW, west of West Circle Drive and west of 50th Avenue NW.

Zoning:

The property is currently zoned R-2 (Low Density Residential) district on the City of Rochester Zoning Man

Proposed Development:

This development consists of 79.50 acres of land to be subdivided into 171 lots for residential development and five outlots.

Roadways:

This plat proposes to dedicate right-of-way for seven new roadways.

Roadways less than 28 feet in width shall be posted "No Parking" on both sides of the roadway. Streets less than 36 feet in width shall be posted "No Parking" on one side of the roadway. The roadway leading to the cul-de-sacs appear to be less than 28 feet and therefore will require "No Parking" signage posted on both sides of the roadway.

Cul-de-sacs less than 96 feet in diameter shall be posted "No Parking". The cul-de-sacs appears to be less than 96 feet in diameter and therefore shall be posted "No Parking".

41 Street is being called out without a directional. Add the directional of NW so it reads "41 Street NW". All roadways within this plat need have the numbering or naming coordinated with the Planning Department – GIS Division.

Controlled access shall be required along the entire frontage of Valleyhigh Road NW, with the exception of any approved street access. Additional control access is required within 250 feet of the right-of-way intersection of Valley High Road NW and Avenue "A', and along the entire frontage of 41 st Street NW. No parking shall be allowed on either side of 41 st StreetNW and on Avenue "A" within 200 feet of the Valleyhigh Road NW right-of-way.

Development will be limited to 1200 daily trips until a second access is provided to this property.

In accordance with current City policy Pedestrian Facilities are required along both sides of all new public roadways within this property, as well as along the entire northerly frontage of Valleyhigh Road NW.

Pedestrian Facilities:



Page 3 Preliminary Plat #03-19 Badger Hills July 2, 2003

Pedestrian Facilities (Continued):

A bituminous pedestrian path will be required along the 41st Street extension, Valleyhigh Road and all park access points including the mid-block connection, in lieu of the five foot concrete sidewalk.

Section 64.227 of the Land Development Manual requires the dedication of trails needed to maintain connectivity between and through subdivisions under the following circumstance "Across any block exceeding 800 feet in length". According to the proposed preliminary plat, Block 11 and Block 15 exceed the 800 feet in length. A mid-block connection (30' wide outlot) is required providing future connection from Block 15 to the unplatted land north of this proposed plat. Staff is suggesting that the mid-block connections be placed in the vicinity of Lots 7 & 8 of Block 15. Two mid-block connections (30' wide outlots) are required connectivity between Block 11 along "Street E" and along "Street/Avenue D". Staff is suggesting that the mid-block connections be placed in the vicinity of Lots 9 & 10 and Lots 19 & 20 of Block 11. Upon request by the City, the 30' wide mid-block pedestrian connection outlots (including Outlots B and C) shall be deeded to the City as a mid-block connection and the owner shall be obligated to grade and construct a 10' wide bituminous pedestrian path for this connection, prior to dedication to the City.

The pedestrian paths along 41st Street NW and Valley High Road NW are shown on the preliminary plat outside of the right-of-way. The Owner is obligated to dedicate a public pedestrian facility easement, of sufficient width to accommodate construction and maintenance of said facilities, at no cost to the City.

Grading and Drainage Plan approved is required prior to submitting the final plat.

The property generally drains to the north-east. A Stormwater Management Fee will apply to any areas of this proposed development that do not drain to the existing on-site detention facilities in Badger Ridge. Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. Based on the Soil Survey, hydric soils exist on the site. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application. No wetland delineation has been completed and provided to the Planning Department. Any filling of wetland will require an alternatives analysis and replacement plan.

Drainage:

Wetlands:

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Preliminary Plat #03-19
Badger Hills
July 2, 2003

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Public Utilities:

Static water pressures within this area will range from 49 to 79 PSI.

An additional 10' wide utility easement is required along the south lot lines of Lot 1, Block 1 and Lot1, Block 2.

Additional utility easements and water system improvements are needed on Lot 1, Block 1 and Lot 1, Block 2 as these areas develop. These should be planned out at this time, so stub-outs can be properly installed for looping of the water mains to provide adequate fire flows and water quality to these areas.

Phasing for the development of the northerly portion of this proposed plat with gravity flow sanitary sewer will be dependent on extension of services through the currently undeveloped property east of this plat, or will require a private lift station. A feasibility report has been requested and is being prepared by Public Works for the proposed J7710 project.

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 206 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.

Parkland Dedication:

The City Park and Recreation Department recommends that dedication requirements be met via: combination of land (5.0 acre Outlot A) and cash with payments due prior to recordation of the final plat.

The applicant shall be required to submit the proposed grading plan for the park site (Outlot A) to the Park and Recreation Department for review.

Outlot "A" shall be deeded to the City when graded and turf has been established and when the site if accessed via public street.

The parkland dedication for Block 1, Lot 1 and Block 2, Lot 2 shall be calculated when the site plans and the number of dwelling units are known.

General Development Plan:

This property is included within the Badger Hills General Development Plan (GDP).



Page 5 Preliminary Plat #03-19 Badger Hills July 2, 2003

Substantial Land Alteration:

This application includes a request for approval of land disturbing activities defined as Substantial Land Alteration according to Section 61.1101, B of the Rochester Zoning Ordinance and Land Development Manual (LDM). Section 62.1102 of the LDM allows the City to consider a request for excavation or substantial land alteration as part of a Type III application, such as a preliminary plat, subject to making findings established in Section 62.1105 and 61.146 of the LDM.

This development includes a proposal for cut and fill work which involves a grade change of 10-feet or more from the pre-existing grades. The approximate area where the grade is proposed to be changed, Block 7, Lots 1-5, Block 9, Lot 1 and outlot A will be cut and Block 12, Lot 1, Block 13, Lot 1, Block 14, Lots 1-11 & Lots 15-20 and Outlot E will be filled.

Sections 61.146, 62.1102 and 62.1105 of the LDM are attached.

Staff Suggested Findings:

If the City Council approves the proposed substantial land alteration, staff recommends the following findings to Section 62.1105 and 61.146 of the Rochester Zoning Ordinance and Land Development Manual:

62.1105

- The activity should not result in danger to life or property. Generally, the top of the existing hill
 will be regarded to be suitable for residential uses. The grading and drainage plans will need
 to comply with City standards and be approved by the Rochester Public Works Department.
- 2) The grading plan for this project needs to be approved by the Rochester Public Works Department and it will document the extent of the work. All cut material will be used to level area within this plat to more suitable grades for residential uses. Noise and dust control will need to comply with City standards.
- 3) The equipment conducting the grading work on the property will also be the equipment utilized to move the earth. All materials will stay on-site, it will not be necessary to truck in fill or haul fill from the site, which will minimize the impact on the surroundings roads.
- 4) The proposed excavation work should not affect air quality or ground and surface water quality.
- 5) The proposed grading work should not adversely affect the scenic quality of Rochester. There will not be any steep slopes or exposed rock faces. The natural topography of the area is being re-graded to provide adequate slopes for residential uses.
- 6) The result of the proposed activity will be compatible with existing development and development anticipated in the future. The finished result of the grading work will allow for development that is consistent with the land use plan.
- 7) The grading will be confined to the property and should not affect the use and enjoyment of adjacent properties. The duration of the excavation activity is expected to be completed in one phase, during the summer of 2003.
- 8) The grading will only take place during one phase, during the summer of 2003. There are no homes in the immediate area that will be visually affected by the grading activity. Noise and dust control will need to comply with City standards.

Page 6 Preliminary Plat #03-19 Badger Hills July 2, 2003

- 9) The grading and drainage plan will need to provide the proper restoration and stabilization in accordance with the adopted codes for the City of Rochester.
- 10) The grading and drainage plans will need to be reviewed and approved by the City. Stormwater management will be required for the development.
- 11) The areas of grading do not contain sinkholes or wetlands and should not effect the ground water or surface quality once restoration and stabilization is completed.
- 12) The grading work is expected to be completed in one phase, during the summer of 2003. The duration seems appropriate for this type of activity and the size of the project.
- 13) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.
- 14) Surety will need to be provided that guarantees the site will be fully restored after the completion of the excavation activity. This surety can be provided through the owner-contract process for this development. If grading is to occur prior to an owner-contract, a separate surety will need to be provided.
- 15) The grading and drainage plan will need to be approved by the Rochester Public Works Department prior to any grading on the property.

The Planning Staff would suggest the following findings for Section 61.146:

- 1) Not applicable.
- 2) Not applicable.
- Not applicable.
- 4) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.
- 5) Not applicable.
- 6) Not applicable.
- 7) Not applicable.
- 8) Not applicable.

Preliminary Plat Staff Review and Recommendation:

Section 61.225 of the Land Development Manual lists the findings which must be considered by the Planning Commission and the Council when reviewing a land subdivision permit application. This section is attached for your information.



Page 7 Preliminary Plat #03-19 Badger Hills July 2, 2003

The Planning staff has reviewed this preliminary plat request for compliance with the Rochester Zoning Ordinance and Land Development Manual including Section 61.225 of the LDM. A Development Agreement has been executed with the City, therefore the staff recommends approval with the following conditions / modifications:

1. The Plat shall be revised:

- a. Adding the directional of NW to 41 Street so it reads "41 Street NW".
- b. Coordinating with the Planning Department GIS Division, numbering or naming all other roadways within this plat.
- c. The location map on the face of the plat shall be changed to Cascade Township coordinates T107 N. Currently location map indicates Rochester Township coordinates T106 N.
- d. Providing an additional utility easement along the south lot lines of Lot 1, Block 1 and Lot 1, Block 2, as requested by Rochester Public Utility Water Division Memorandum dated June 18, 2003 and Operations Division Memorandum dated June 17, 2003.
- e. Dedicating a 30' wide outlot mid-block connection in the vicinity of Lots 7 & 8 of Block 15, and two 30' wide outlot mid-block connections in the vicinity of Lots 9 & 10 and Lots 19 & 20 of Block 11.
- f. Indicating controlled access along the entire frontage of Valleyhigh Drive NW, with the exception of any approved street accesses. Additional controlled access is required within 250 feet of the right-of-way intersection of Valleyhigh Road NW and Avenue "A" and along the entire frontage of 41st Street NW.
- g. Dedicating a public pedestrian facility easement, of sufficient width to accommodate construction and maintenance of said facilities, at no cost to the City for the pedestrian paths along 41st Street NW and Valleyhigh Road NW as shown on the preliminary plat outside of the right-of-way.
- 2. Dedication of parkland and cash with payments shall be handled in the form outlined in the June 26, 2003 Memorandum from the Rochester Park and Recreation Department. The parkland dedication for Block 1, Lot 1 and Block 2, Lot 2 shall be calculated when the site plans and number of dwelling units are known.
- 3. The applicant shall dedicate Outlot "A" to the City when graded and turf is established and when the site if accessed via public street.
- 4. Upon request by the City, the applicant shall dedicate all 30' wide mid-block pedestrian connection outlots to the City and the owner shall be obligated to grade and construct a 10' wide bituminous pedestrian path for the connection, prior to dedication to the City.
- 5. The roadways leading to the cul-de-sacs appear to be less than 28 feet and shall be posted "No Parking" along both sides of the roadway. The cul-de-sacs appear to be less than 96 feet in diameter and shall be posted "No Parking". In addition, "No Parking" shall be allowed on either side of 41st Street NW and on Avenue "A", within 200 feet of the Valleyhigh Road NW right-of-way.

Page 8
Preliminary Plat #03-19
Badger Hills
July 2, 2003

- 6. Development of this plat will be limited to 1200 daily trips until a second access is provided to this property.
- 7. The applicant is responsible for identifying wetlands on the property and submitting the information. The applicant is also responsible for completing and providing to the Planning Department, a Wetland Delineation. Any filling of wetland shall require an Alternatives Analysis and Replacement Plan.
- 8. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges & Traffic Improvement District charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure, including the applicants up front contribution required for the extension of the J7710 Sanitary Sewer & Watermain project to serve this property.
- 9. Phasing for development of the northerly portion of this plat with gravity flow sanitary sewer will be dependent on extension of services through the currently undeveloped property east of this plat, or will require a private lift station. A feasibility report has been requested and is being prepared by Public Works for the proposed J7110 Project.
- 10. Grading and Drainage Plan approval is required prior to submitting the final plat. A Stormwater Management Fee shall apply to any areas of this proposed development that do not drain into the existing on-site detention facilities in Badger Ridge.
- 11. Pedestrian Facilities shall be required along both sides of all new public roadways within this property, as well as, along the entire northerly frontage of Valleyhigh Road NW. A bituminous pedestrian path shall be required along the 41st Street extension, Valleyhigh Road and all park access points including the mid-block connections, in lieu of a five foot concrete sidewalk.
- 12. Ownership and Maintenance of Outlots "D" and "E" shall be addressed prior to Final Plat approval.
- 13. The applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property.

Reminder to Applicant:

- Prior to development, the property owner will need to execute a City / Owner Contract for construction of all public infrastructure and utilities to serve this subdivision.
- This Plat is subject to the Subdivision regulations which became effective May 15, 1999. Approved grading, drainage and construction plans will need to be submitted with the final plat application, if the applicant intends to record the final plat documents prior to completion of infrastructure improvements.



Page 9 Preliminary Plat #03-19 Badger Hills July 2, 2003

CITY OF ROCHESTER ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL EXCERPTS

61.225 Finding for Land Subdivision:

The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if all of the following findings with respect to the proposed development are made:

- A. The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance.
- B. That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development.
- C. That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies.
- D. That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526.
- E. That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses.
- F. That the proposed land subdivision has taken into account the current 6-Year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision.
- G. That the proposed subdivision, if in a resident zoning district, -addresses the need for spillover parking consistent with the requirements of Section 63.426.
- H. That right-of-ways and easements of adequate size and dimensions are -provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.
- I. That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations.
- J. That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards.
- K. That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties.
- L. That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands.

105

Page 10 Preliminary Plat #03-19 Badger Hills July 2, 2003

- M. That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.
- N. That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan.
- O. That any land located within Zone A as shown as on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, Rochester, Minnesota prepared by the Federal Emergency Management Agency, is -determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance.
- P. That the proposed land subdivision, if approved, would not result in a violation of federal or state law, or the city or county ordinance.

61.226 Conditions on Approvals:

In considering an application for development permit to allow a land subdivision, the approving body shall consider and may impose modification or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.

Effective May 15, 1999



Page 11 Preliminary Plat #03-19 Badger Hills July 2, 2003

Land Development Manual Excerpts Substantial Land Alteration

62.1102 Exempt Activities:

- 1) Except as required for a reclamation plan, which may be imposed on any of the following activities as part of any required City permit or approval process, the provisions of these Sections 62.1100 through 62.1113 shall not apply to the following activities:
- a) The land area included within 15' or as reasonably defined by the City Engineer to allow soil stabilization of the identified boundaries of a building submitted for a building footing and foundation permit.
- b) Stormwater management facilities or other public infrastructure approved by the City.
- c) Excavations or blasting for wells, tunnels or utilities that have received all necessary governmental approvals.
- d) Refuse disposal sites controlled by other applicable City, State or federal regulations.
- e) On-going cemetery (burial) operations.
- f) Development activity for which a general development plan, subdivision permit or other Type III approval has resulted in the review of the proposed cut and fill work and for which a grading permit is required. To qualify for this exemption, the Council shall have made the findings established in Section 62.1105.
- g) Uses in the Central Development Core (CDC) District.

62.1105 Findings Necessary for Issuance of a Conditional Use Permit:

The City shall approve a conditional use permit authorizing an excavation activity only if <u>all</u> of the following findings with respect to the proposed activity are made, in addition to those listed in Section 61.146:

- 1) The activity will not result in a danger to life or property due to (1) steep or unstable slopes, (2) unsafe access to the property, (3) excessive traffic, or (4) proximity to existing or planned residential areas, parks and roadways;
- 2) Visual, noise, dust, and/or excessive on- or off-site environmental impacts on public parks, roadways and residential areas can be adequately mitigated by the Applicant and a fully detailed plan is submitted by the Applicant to demonstrate the mitigation methods to be used, the cost of such mitigation, the source of funds for such mitigation, and adequate legal assurance that all of such mitigation activities are carried out;
- 3) The use of trucks and heavy equipment will not adversely impact the safety and maintenance of public roads providing access to the site, or such impacts will be mitigated;
- The proposed use will not adversely affect air quality or ground water or surface water quality;

- 5) The proposed use will not adversely affect the scenic quality of Rochester or the natural landscapes, environment, wildlife and wildlife habitat; or if such effects are anticipated to occur, the reclamation plan provides for adequate restoration of the site following completion of the excavation activity;
- 6) The activity will be compatible with existing development and development anticipated in the future, including other uses as shown in the Comprehensive Plan, including but not limited to: patterns of land use, recreational uses, existing or planned development, public facilities, open space resources and other natural resources;
- 7) The activity will not unduly affect the use and enjoyment of adjacent properties;
- 8) The site plan provides for adequate buffers and screening year-round from unsightly features of the excavation operation;
- 9) The reclamation plan provides for adequate and appropriate restoration and stabilization of cut and fill areas;
- 10) The excavation activity will not result in negative impacts on drainage patterns or stormwater management facilities;
- 11) The proposed activity will minimize impacts on sinkholes, wetlands and other natural features affecting ground water or surface water quality;
- 12) The intensity and the anticipated duration of the proposed excavation activity is appropriate for the size and location of the activity;
- 13) Permanent and interim erosion and sediment control plans have been approved by the City;
- 14) Surety has been provided that guarantees the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive Plan, neighborhood plans, the Land Use Plan and applicable City policies.
- 15) The proposed activity complies with the requirements of the adopted building code.
- 61.146 Standards for Conditional Uses: The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:
 - Provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
 - 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.

Page 13 Preliminary Plat #03-19 Badger Hills July 2, 2003

- 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
- 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
- 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
- 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
- 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
- 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.
- 61.147 Conditions on Approval: In considering an application for a development permit to allow a Conditional Use, the designated hearing body shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Paragraph 61.146.



SURVEYORS

SUBSTANTIAL LAND ALTERATION



June 9, 2003

Ms. Mitzi Baker Olmsted County Planning 2122 SE Campus Drive Rochester, MN 55904

LANDSCAPE ARCHITECTS

PLANNERS

RE: Substantial Land Alteration Badger Hills Subdivision Rochester, Minnesota

ROCHESTER OFFICE:

717 Third Avenue SE

Dear Ms. Baker:

Rochester, MN 55904

This letter is to serve as a request for substantial land alteration approval for the above referenced preliminary plat. The existing agricultural land will be regraded to be suitable for residential applications. Generally, the top of the existing hill will be cut down and be used to level the site to more suitable grades. The materials will all stay on-site.

507-288-6464

Fax 507-288-5058

The grading would be completed in Summer 2003. Two temporary sediment ponds will be graded as a part of this work. The street and utilities would be completed for Phase 1 in the Fall of 2003. Generally, the streets will be graded to six percent (6%) slopes or less.

Please call if you have any questions.

MPLS/ST PAUL OFFICE:

Sincerely,

651-681-9040

YAGGY COLBY ASSOCIATES

MASON CITY OFFICE:

641-424-6344

William S. Anderson, PE

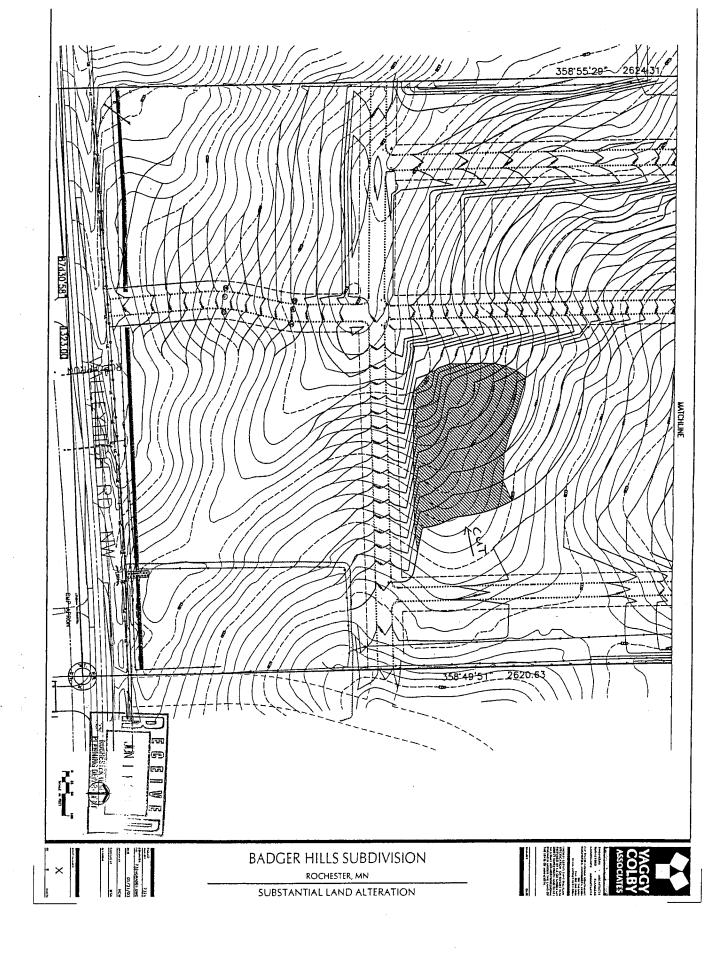
WSA:bsd

YCA #7324-010-2

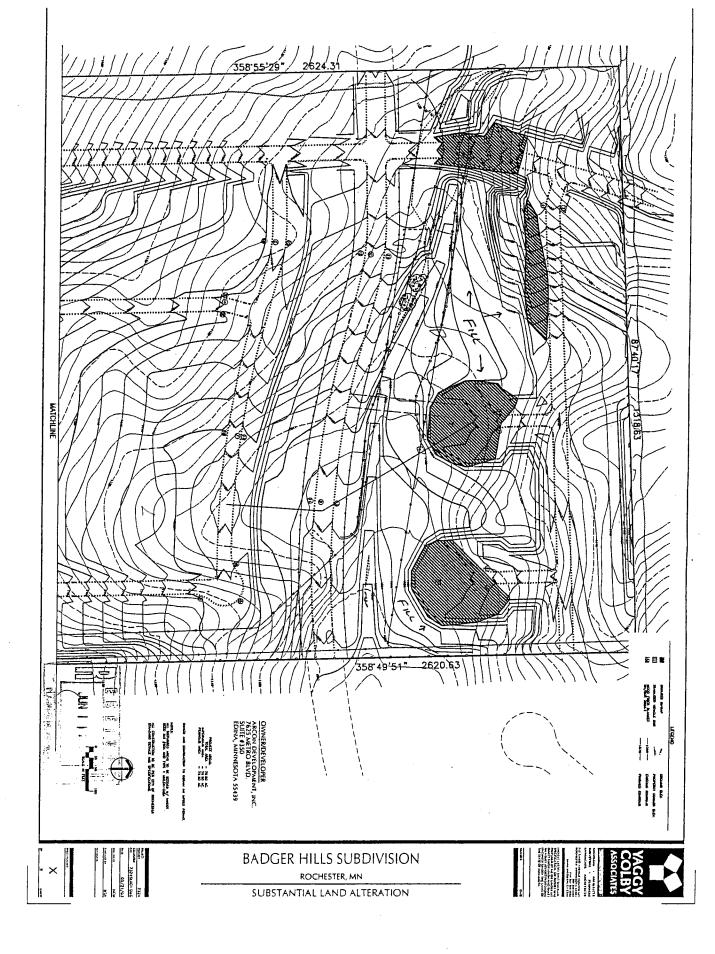
Attachment: Grading Plan with 10' cuts and fills marked

DELAFIELD OFFICE:

262-646-6855







11)



--- Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

FROM: Mark E. Baker

DATE: 7/2/03

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

The Department of Public Works has reviewed the application for <u>Preliminary Plat #03-19</u>, for the <u>Badger Hills</u> proposed development. The following are Public Works comments on this request:

- 1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges & Traffic Improvement District charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure, including the applicants up front contribution required for the extension of the J7710 Sanitary Sewer & Watermain project to serve this Property.
- 2. Phasing for development of the northerly portion of this proposed plat with gravity flow sanitary sewer will be dependent on extension of services through the currently undeveloped property east of this plat, or will require a private lift station. A feasibility report has been requested and is being prepared by Public Works for the proposed J7710 project.
- 3. A Storm Water Management Fee will apply to any area of this proposed development that do not drain the existing on-site detention facilities in Badger Ridge.
- 4. Pedestrian facilities will be required along both sides of all new public roads within this property, as well as, along the entire northerly frontage of Valleyhigh Rd NW. A bituminous pedestrian path will required along the 41st St extension, Valleyhigh Rd, and park access points including the midblock connection, in lieu of 5 foot concrete sidewalk.



— Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

FROM: Mark E. Baker

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

- 5. Upon request, the Owner shall dedicate the mid-block connection Outlots to the City.
- 6. The pedestrian paths along 41st St NW and Valley High Rd NW are shown on the preliminary plat outside of the right-of-way. The Owner is obligated to dedicate a public pedestrian facility easement, of sufficient width to accommodate construction and maintenance of said facilities, at no cost to the City.
- 7. Controlled access should be required along the entire frontage of Valleyhigh Rd NW, with the exception of any approved street access. Additional controlled access is required with in 250 feet of the right-of-way intersection of Valley High Rd NW and Avenue 'A', and along the entire frontage of 41st St NW.
- 8. Development will be limited to 1200 daily trips until a second access is provided to this property.
- 9. Ownership & maintenance of Outlots 'D' & 'E' need to be addressed prior to Final Plat approval.
- 10. No parking should be allowed on either side of 41st St NW, and on Avenue 'A', within 200 feet of the Valleyhigh Rd NW right-of-way.
- 11. Preliminary Construction Plan comments will be forwarded separately to the applicants consulting Engineer.



Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

FROM: Mark E. Baker

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and will include (rates below are current through 7/31/03):

- Sanitary Sewer Availability Charge (SAC) @ \$1790.25 per developable acre.
- ❖ Water Availability Charge @ \$1790.25 per developable acre.
- Contribution of 60% of the total cost for the J7710 project, estimated to be \$129,660.00.
- Transportation Improvement District (TID) Charges TBD
- Storm Water Management, for any areas that do not drain to detention facilities privately constructed by the Owner to serve this property – TBD
- First Seal Coat @ square yard of public street surface
- * Traffic Signs as determined by the City Engineer.





June 18, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #03-19 by Badger Hills LLC to be known as Badger Hills Subdivision.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

- 1. Approximate static water pressures within this area will range from 49 to 79 PSI.
- 2. Additional utility easements and water system improvements will be needed on Lot 1, Block 1 and Lot 1, Block 2 as these areas develop. These should be planned out at this time however, so stub-outs can be properly installed for looping of the water mains to provide adequate fire flows and water quality to these areas.
- 3. Other revisions to the proposed water system layout are required. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

om Richarde

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Gary Schick, Building & Safety
Bill Anderson, Yaggy Colby Associates
Badger Hills LLC





DATE:

June 17, 2003

TO:

Jennifer Garness, Planning Dept. Rochester-Olmsted Planning Dept.

FROM:

Michael J. Engle, Supv. of Distribution Design

Rochester Public Utilities

280-1579

SUBJECT:

Land Subdivision Permit (Preliminary Plat) #03-19 by Badger Hills LLC

to be known as Badger Hills Subdivision. The Plat proposes to

subdivide 79.50 acres of land into 171 lots for residential development and 5 outlots. The plat also proposes right-of-way dedication for public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located along the north side of Valley High Road NW, west of West Circle Drive and

west of 50th Ave. NW.

RPU's Operations Division review of the above-referenced land subdivision permit (preliminary plat) is complete and our comments follow:

1. We request a 10' wide utility easement along the south lot lines of Lot 1, Block 1 and Lot 1, Block 2.

Sincerely,

la

c. Badger Hills LLC

michael }

Yaggy Colby Associates





ROCHESTER PARK AND KECREATION DEPARTMENT 201 FOURTH STREET SE ROCHESTER MINNESOTA 55904-3769 TELE 507-281-6160 FAX 507-281-6165

MEMORANDUM

DATE:

June 26, 2003

TO:

Jennifer Garness

Planning

RE:

Badger Hills

Preliminary Plat #03-19

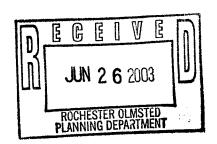
Acreage of plat	79.50 a
Number of dwelling units	171 units *
Density factor	.0244
Dedication	4.17 a
Fair market value of land	\$20,000 / a

 dedication for Block 1 Lot 1 and Block 2 Lot 2 to be calculated when site plans and # of dwelling units is known.

The Park and Recreation Department recommends that dedication requirements be met via: a combination of land (5.0 acre Outlot A) and cash with payments due prior to recordation of the final plat.

The applicant should be required to submit the proposed grading plan for the park site (Outlot A) the Park and Recreation Department for review.

Outlot A to be deeded to the City when graded and turf is established and when the site is accessed via public street.











Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

June 24, 2003

TO:

Theresa Fogarty

FROM:

Randy Growden

GIS/Addressing Staff

Rochester-Olmsted County Planning Department

CC:

Wade Dumond

RE:

BADGER HILLS

PRELIMINARY PLAT #03-19

A review of the **preliminary plat** has turned up the following **ADDRESS** and **ROADWAY** related issues.

1. 41 Street NW is being called out without a directional.

RECOMMENDATION: Add directional of NW so it reads 41 Street NW.

NOTE: All other roadways in plat need to have numbering or naming coordinated with our office.



DATE: June 23, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher

Fire Protection Specialist

SUBJ:

Land Subdivision Permit (Preliminary Plat) #03-19 by Badger Hills LLC to be known as Badger Hills Subdivision. The Plat proposes to subdivide 79.50 acres of land into 171 lots for residential development and 5 Outlots.

With regard to the above noted project plan, the fire department has the following requirements:

- 1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
- 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - a) Streets less than 26 feet in width shall be posted "No Parking" on one side of the street. Streets less than 28 feet in width shall be posed "No Parking" on both sides of the street. The street leading to the cul-de-sac looks to be less than 28 feet in width and therefore will require "No Parking" signage posted on both sides of the road.
 - b) Cul-de-sacs less than 96 feet in diameter shall be posted "No Parking". The cul-de-sac looks to be less than 96 feet in diameter and therefore shall be posted "No Parking"
- 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
- 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- Donn Richardson, RPU, Water Division
 Bader Hills LLC Riverside Bdlg. Suite 100 400 S Broadway Rochester, MN 55904
 Yaggy Colby Associates 717 3rd Ave SE Rochester, MN 55904



WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Preliminary Plat #03-19 - Badger Hills, LLC

	No wetland delineation has been completed and provided to the Planning Department. Any filling of wetland will require an alternatives analysis and replacement plan.
\boxtimes	Other or Explanation:
	No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
	A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
	A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department
	A wetland delineation has been carried out for the property and is on file with the Planning Department.
\boxtimes	Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
	No hydric soils exist on the site based on the Soil Survey

REQUEST FOR COUNCIL ACTION

MEETING 08-04-03

121

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	E-8
ITEM DESCRIPTION: Final Plat #02-58 by BBB Development, LLC to be known as Ridgeview Manor Third. The applicant is proposing to subdivide approximately 33.73 acres of land into 86 lots for single family development and three Outlots. The plat also proposes to dedicate right-of-way for several public roads including an extension of Florence Drive NW. The property is located along he south side of 65 th Street NW, west of 50 th Avenue NW and west of Ridgeview Manor 2 nd Subdivision.		PREPARED BY: Theresa Fogarty, Planner

July 29, 2003

Staff Recommendation:

Staff would recommend approval subject to the following conditions:

- 1. Dedication of parkland shall be met via: Deferred land dedication, as recommended by City Park & Recreation Department in the attached memo, dated July 10, 2003.
- 2. Owner agrees to grade the property to match the future grades and elevations of 65th Street NW, provided these grades are established by the City prior to final grading plan approval and Owner also agrees to match the abutting property line grades unless other documented arrangements are made with the abutting landowner and approved by the City on the grading plan.
- 3. Construction of temporary turn-arounds and dedication of temporary easement are required for the easterly extent of "Ridgeview Drive NW" and "Ridgeview Road NW".
- 4. Outlots A, B and C shall be dedicated to the City, at no cost.
- 5. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the July 9, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.

Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.

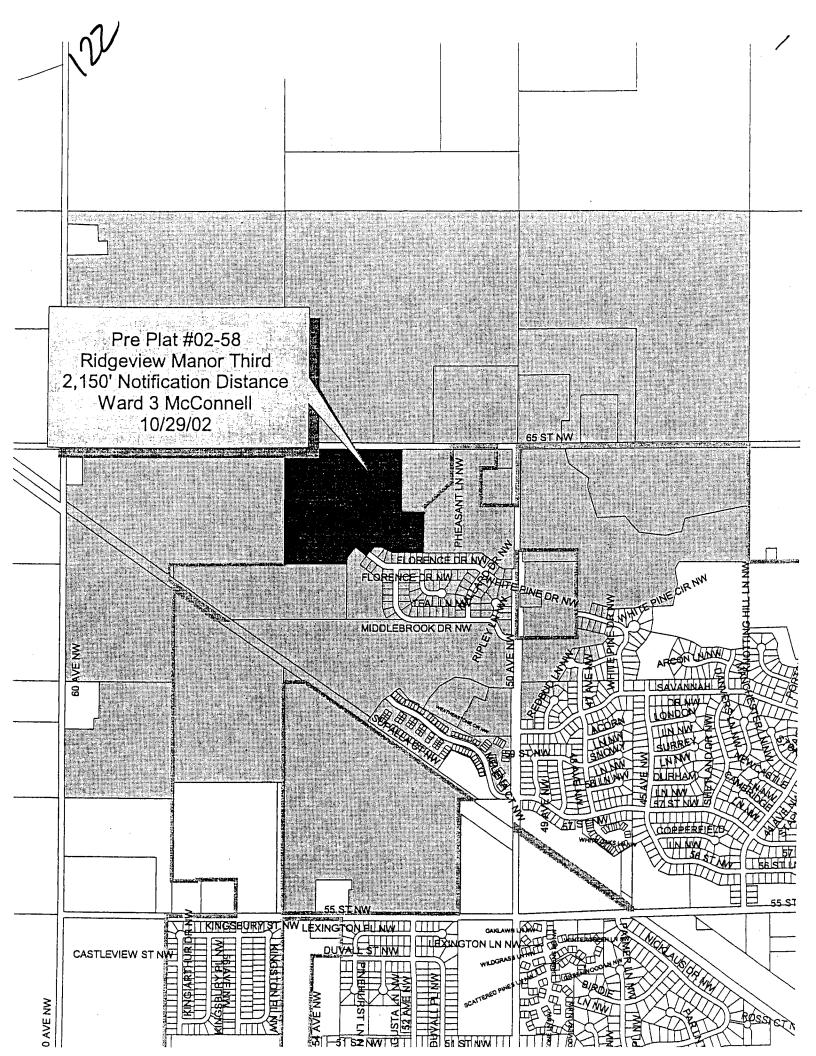
<u> Attachment:</u>

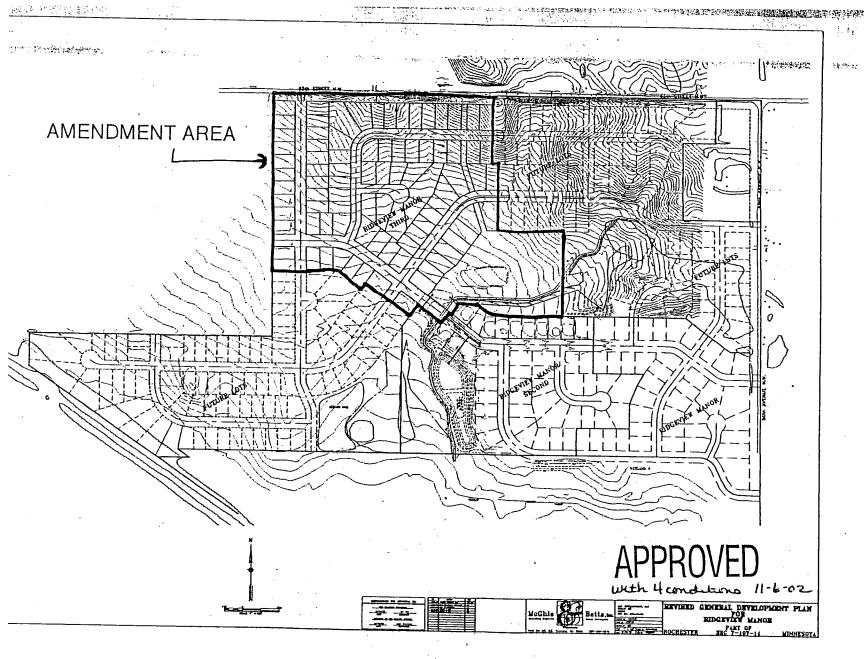
1. Staff Report, dated July 29, 2003

Distribution:

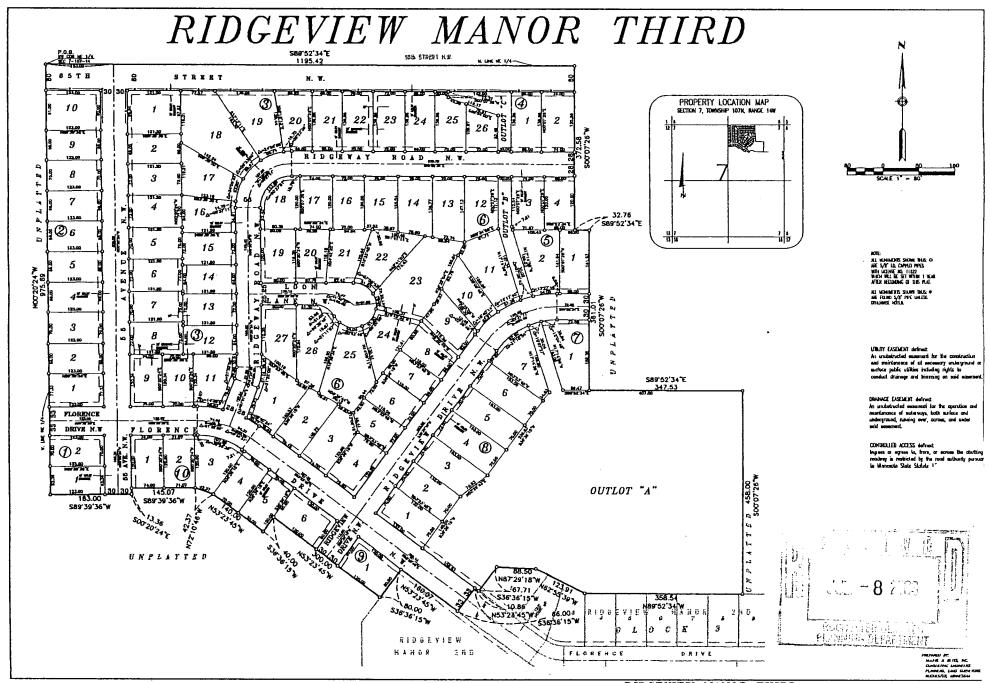
- 1. City Attorney
- 2. Planning Department File
- 3. McGhie & Betts, Inc.
- 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, August 4, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL	ACTION: M	otion by:	Second by:	to:









ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

Rochester Common Council

FROM:

Theresa Fogarty, Planner

DATE:

July 29, 2003

RE:

Final Plat #02-58 by BBB Development LLC, to be known as Ridgeview Manor Third. The applicant is proposing to subdivide approximately 33.73 acres of land into 86 lots for single family development and three Outlots. The plat also proposes to dedicate right-of-way for several public roads including an

extension of Florence Drive NW. The property is located along the south side of 65th Street NW, west of 50th Avenue NW and west of Ridgeview Manor 2nd Subdivision.

Planning Department Review:

Applicant/Owner:

BBB Development LLC

706 County Road 3 NW Byron, MN 55920

Surveyors/Engineers:

McGhie & Betts, Inc. 1648 Third Ave. SE

Rochester, MN 55904

Referral Comments:

Rochester Public Works Department

Rochester Park & Recreation Department Planning Department - GIS Division

Report Attachments:

1. Location Map

2. Copy of Final Plat

3. Referral Comments (3 letters)

4. Ridgeview Manor General Development Plan

Development Review:

Location of Property:

The property is located along the south side of 65th

Street NW, west of 50th Avenue NW and west of

Ridgeview Manor 2nd Subdivision.

Zoning:

The property is zoned R-1 (Mixed Single Family)

district.

Proposed Development:

This development consists of 33.73 acres to be

subdivided into 86 lots for low density residential

development and three Outlots.





Page 2
Final Plat #02-58
Ridgeview Manor Third Subdivision
7/29/2003

Roadways:

The plat dedicates proposes to dedicate the right-ofway for six new public roadways.

The first roadway labeled "65th Street NW" is designed with a 50' right-of-way.

The second roadway labeled as "55th Avenue NW" is designed with a 60' right-of-way.

The third roadway labeled as "Ridgeway Road NW" is designed with a 56' right-of-way. Construction of a temporary turn-around and dedication of a temporary easement are required for the easterly extent of "Ridgeview Road NW".

The fourth roadway labeled as "Loon Lane NW" ends in a cul-de-sac designed with a 50' right-of-way and a 51' cul-de-sac radius.

The fifth roadway labeled as "Florence Drive NW" is designed with a 66' right-of-way.

The sixth roadway labeled as "Ridgeview Drive NW" is designed with a 60' right-of-way. Construction of a temporary turn-around and dedication of a temporary easement is required for the easterly extent of "Ridgeview Drive NW".

Pedestrian Facilities:

In accordance with current City policy Pedestrian Facilities and the A Development Agreement has been executed for this property, which addresses the requirements of pedestrian facilities.

Drainage:

The Grading and Drainage Plans have been approved.

Wetlands:

Minnesota Statutes require that all developments be reviewed for the presence of wetlands or hydric soils. According to the Olmsted County Soil Survey hydric soils do exist. A Wetland Delineation Plan has been completed. This plan incorporates the approved wetland plan.

Public Utilities:

Final utility construction plans have been approved.

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 104 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.

Page 3 Final Plat #02-58 Ridgeview Manor Third Subdivision 7/29/2003

127

Parkland Dedication:

The Park & Recreation Department recommends that dedication requirements be satisfied via: Dedication of Outlot A Ridgeview Manor 3rd. The land to be dedicated once it is graded, turf is established and the park is accessed by public street. Outlot A is 6.14 acres of which .27 acres is wetland that does not qualify as meeting dedication standards. The applicant should be extended 5.87 acres of parkland dedication credit for the dedication of Outlot A.

The applicant should be extended credits for dedication in excess of that required for Ridgeview Manor 1st, 2nd and 3rd Subdivisions.

The Mid-block connections (Outlot B and C) shall be graded and seeded to turf prior to deeding to the city.

The Park Department's concerns regarding the grading of Outlot A have been addressed in the approved grading plan.

General Development Plan:

This property is included in the approved Ridgeview Manor General Development Plan. A Type I (Staff Review) amendment to the General Development Plan, changing interior roadways was approved with 4 conditions / modifications on November 6, 2002.

Preliminary Plat Staff Review and Recommendation:

A preliminary plat for this area was approved by the City Council on December 9, 2002. The approval of the preliminary plat was subject to eight (8) conditions. The conditions are listed below:

- 1. The Plat shall be revised:
 - a. Changing "54th Avenue NW" to "55th Avenue NW".
 - b. Designating and labeling the extension of Ridgeview Drive NW that lies south of Florence Drive NW as "Ridgeview Drive NW".
 - c. Designating and labeling the extension of 54th Avenue NW that lies south of Florence Drive NW as "55th Avenue NW".
 - d. Designating and labeling the extension of Florence Drive NW that lies west of 54th Avenue NW as "Florence Drive NW".
- 2. Grading and drainage plans shall be approved by the City Public Works Department prior to the submittal of the final plat. The Owner shall grade the Property to match future grades and elevations of 65th Street NW, provided these grades are established by the City prior to final grading plan approval and the Owner shall also agree to match the abutting property line grades unless other documented arrangements are made with the abutting landowner and approved by the City on the grading plan. In addition, as per the submitted substantial land alteration, the 30' park access on the NW side of the



Page 4
Final Plat #02-58
Ridgeview Manor Third Subdivision
7/29/2003

park appears to have a \pm 13% cross slope which is excessive for either sidewalk or trail accesses to the park. The grading plan should reflect these items and be submitted to the Park Department for review. The grading plan shall incorporate the approved Wetland Replacement Plan.

- 3. The static water pressure in the lower areas of this property will exceed 80 PSI. As the homes are constructed, the buildings shall install pressure reducing devices near the domestic water meters within the affected homes, as required by the Minnesota Plumbing Code.
- 4. Dedication of parkland shall be met via: Deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated October 29, 2002.
- 5. Outlots B and C shall be dedicated to the City and the applicant shall grade and establish turf prior to deeding to the City.
- 6. Implementation of Traffic Calming measures shall be required for this subdivision. The applicant shall work with City Public Works to determine applicable measures that will need to be incorporated in the Final Plat layout and construction plans.
- 7. Construction of temporary turn-arounds and dedication of temporary easement are required for the southerly extent of "Florence Drive NW", the northerly extent of "Ridgeview Drive NW" and the easterly extent of "Ridgeview Road NW".
- 8. Upon approval by the City Council for the Substantial Land Alteration, the applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property. If the City Council denies the Substantial Land Alteration, the grading plans shall be returned to the designers for reevaluation.

Planning Staff Review and Recommendation:

A Development Agreement and a Contributions Agreement has been executed for this property is subject to the terms of the executed Development Agreement for Ridgeview Manor Development Plan. The Planning Staff has reviewed this final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual, and would recommend approval subject to the following conditions or modifications:

- 1. Dedication of parkland shall be met via: Deferred land dedication, as recommended by City Park & Recreation Department in the attached memo, dated July 10, 2003.
- 2. Owner agrees to grade the property to match the future grades and elevations of 65th Street NW, provided these grades are established by the City prior to final grading plan approval and Owner also agrees to match the abutting property line grades unless other documented arrangements are made with the abutting landowner and approved by the City on the grading plan.
- 3. Construction of temporary turn-arounds and dedication of temporary easement are required for the easterly extent of "Ridgeview Drive NW" and "Ridgeview Road NW".
- 4. Outlots A, B and C shall be dedicated to the City, at no cost.
- 5. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the July 9, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.

129

- Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE

Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 7/22/03

The Department of Public Works has reviewed the application for <u>FP#02-58</u>, on the <u>Ridgeview Manor Third</u> property. The following are Public Works comments on the proposal:

- 1. A Development Agreement and a Contribution Agreement have been executed for this property.
- 2. A City-Owner Contract has been executed for this Property.
- 3. Construction of a temporary turn-around is required at the easterly extent of Ridgeview Dr NW and Ridgeview Rd NW.
- 4. Outlots A, B, & C, shall be dedicated to the City at no cost.
- 5. Owner agrees to grade the Property to match the future grades and elevations of 65th St NW, provided these grades are established by the City prior to final grading plan approval, and Owner also agrees to match the abutting property line grades unless other documented arrangements are made with the abutting landowner and approved by the City on the grading plan.

The following Charges/fees applicable to the development of this property are specified in the executed City-Owner Contract:

- Sanitary Sewer Availability Charge (SAC) @ \$1,790.25 per developable acre
- ❖ Water Availability Charge (WAC) @ \$1,790.25 per developable acre.
- ❖ NWTID J9757 @ \$2,007.14 per gross acre.
- ❖ Storm Water Management Charge J2137 @ \$2,211.76 per developable acre.
- Storm Water Management District Charge (SWMD) for Section 7, Cascade Township @ \$1,082.60 per gross acre.
- First Seal Coat Program @ \$0.49 per square yard of street surface.
- Traffic Signs as determined by the City Engineer





ROCHESTER PARK AND L-CREATION DEPARTMENT 201 FOURTH STREET SE ROCHESTER MINNESOTA 55904-3769 TELE 507-281-6160 FAX 507-281-6165

DATE:

July 10, 2003

TO:

Jennifer Garness

Planning

RE:

Ridgeview Manor 3rd

Preliminary Plat #02-58

Acreage of plat	33.73 acres
Number of dwelling units	86 units
Density factor	.0244
Dedication	2.10 acres

The Park and Recreation Department recommends that dedication requirements be met via: Dedication of Outlot A Ridgeview Manor 3rd. The land to be dedicated once it is graded, turf is established and the park is accessed by public street. Outlot A is 6.14 acres of which .27 acres is wetland that does not qualify as meeting dedication standards. The applicant should be extended 5.87 acres of parkland dedication credit for the dedication of Outlot A. The applicant has the following deferred dedications that will be met via the dedication of Outlot A:

Ridgeview Manor 3 rd Outlot A	5.87 acres
Ridgeview Manor 1st	(0.93) a
Ridgeview Manor 2 nd	(1.12) a
Ridgeview Manor 3 rd	(<u>2.10) a</u>
Credits to be Established	1.72 acres

The applicant should be extended credits for dedication in excess of that required for Ridgeview Manor 1st, 2nd and 3rd.

Mid block connects (Outlot B and C) should be graded and seeded to turf prior to deeding to the City.

The grading plan that has been submitted to the City has been reviewed by the Park Department. The Park Department's concerns regarding the grading of Outlot A have been addressed in the approved grading plan.





Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

July 9, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County

Planning Department

CC:

Pam Hameister, Wendy Von Wald; McGhie and Betts

Inc.

RE:

RIDGEVIEW MANOR THIRD

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE:

\$1720.00 (86 LOTS/ADDRESSES)

GIS IMPACT FEE:

\$645.00 (89 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.

2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the final plat has turned up the following ADDRESS or ROADWAY related issues:

1. Upon review of **RIDGEVIEW MANOR THIRD** the GIS / Addressing staff has found no issues to bring forth at this time.



REQUEST FOR COUNCIL ACTION

MEETING

		08-04-03
AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO. E-9
ITEM DESCRIPTION: Final Plat #02-64 by Joel Bigelow & known as Kingsbury Hills Fourth Subdivision. The proposition of the Street NW and includes approxima subdivided into 84 lots for single family homes and three dedication of right-of-way for public streets, including the	erty is located east of 60 th Avenue tely 27.06 acres of land to be e Outlots. The Plat also includes	PREPARED BY: Theresa Fogarty, Planner

July 29, 2003

NW.

Staff Recommendation:

Staff would recommend approval subject to the following conditions:

- 1. Prior to submitting the Final Plat for recording:
 - a. Identify controlled access along the entire frontage of 55th Street NW and 60th Avenue NW, with the exception of any approved street accesses.
 - b. Identify controlled access along the entire frontage of Lot 26, Block 1 and Lot 1, Block 2, that abuts 59th Avenue NW.
- 2. Parkland Dedication shall be met via: Deferred Land Dedication, per the attached memo from Rochester Park and Recreation Department, dated July 10, 2003.
- 3. No Parking shall be allowed and "No Parking" signs shall be posted along both sides of 59th Avenue NW to Belfry / Baron Lane NW.
- 4. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the July 9, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.

Council Action Needed:

 If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.

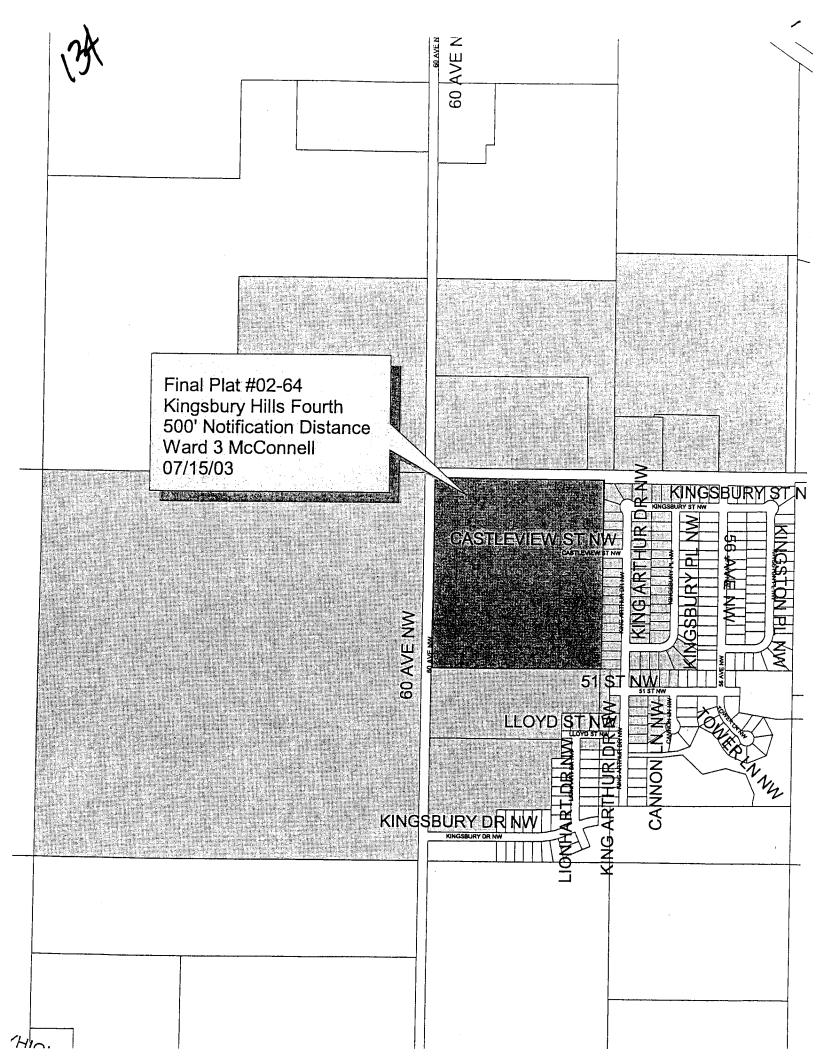
<u> Attachment:</u>

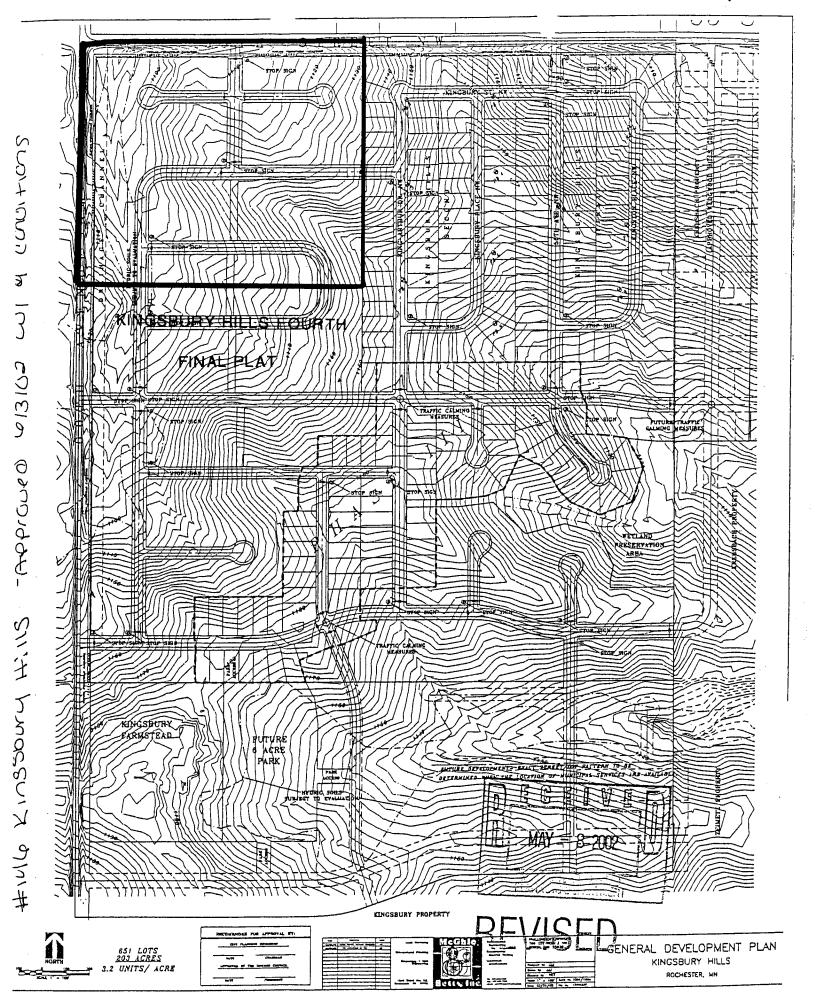
Staff Report, dated July 29, 2003.

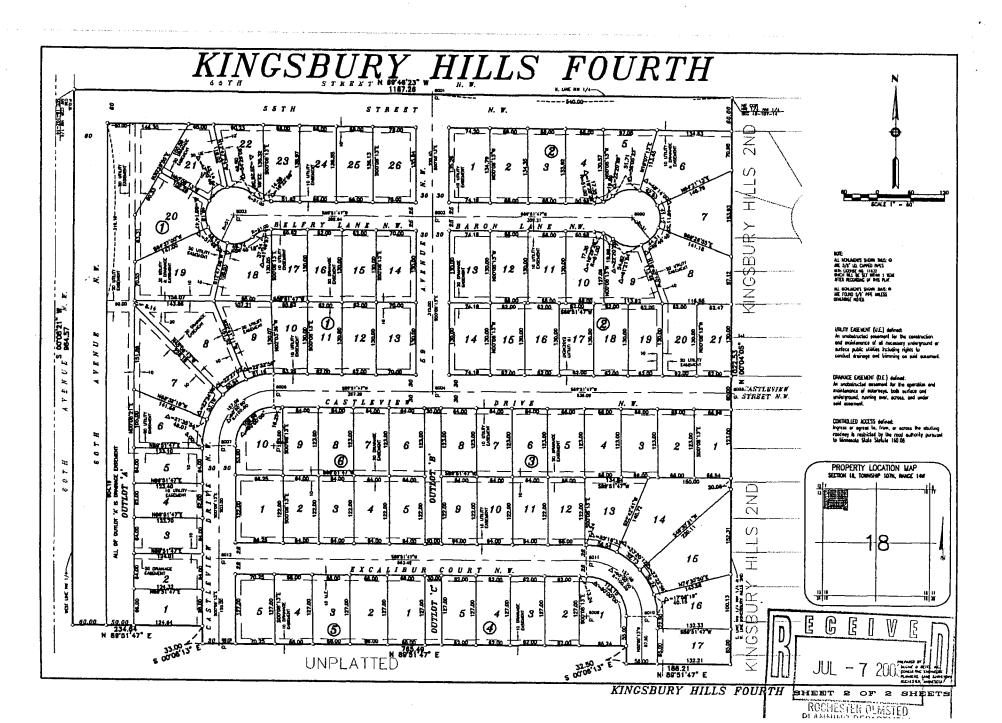
Distribution:

- 1. City Attorney
- 2. Planning Department File
- 3. McGhie & Betts, Inc.
- Applicant: This item will be considered sometime after 7:00 p.m. on Monday, August 4, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by:	Second by:	to:









2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

Rochester Common Council

FROM: Theresa Fogarty, Planner

DATE:

July 29, 2003

RE:

Final Plat #02-64 by Joel Bigelow & Sons Enterprises, Inc. to be known as Kingsbury Hills Fourth Subdivision. The property is located east of 60th Avenue NW and south of 55th Street NW and includes approximately 27.06 acres of land to be subdivided into 84 lots for single family homes and three Outlots. The Plat also includes dedication of right-of-way for public streets, including the

extension of Castleview Street NW.

Planning Department Review:

Applicant/Owner:

Joel Bigelow and Sons Enterprises, Inc.

706 County Road 3 NW

Byron, MN 55920

Surveyors/Engineers:

McGhie & Betts, Inc. 1648 Third Avenue SE Rochester, MN 55904

Referral Comments:

Rochester Park and Rec. Department Rochester Public Works Department Planning Department - GIS Division

Report Attachments:

1. Referral Comments (3 letters)

2. Location Map

3. Copy of Final Plat

4. Kingsbury Hills approved General Development

Development Review:

Location of Property:

The property is located east of 60th Avenue NW and south of 55th Street NW.

Zoning:

The property is currently zoned R-1 (Mixed Single

Family) district on the City of Rochester Zoning Map.





Page 2 Final Plat #02-64 Kingsbury Hills 4th Subdivision July 28, 2003

Proposed Development:

Roadways:

This development consists of 27.06 acres of land to be subdivided into 84 lots for single family development.

The plat proposes to dedicate the extension of Castleview Street NW, labeled as "Castleview Drive NW", which is designed with a 60' right-of-way.

In addition, the plat proposed to dedicate six (6) new roadways.

The first roadway labeled as "Baron Lane NW" is designed with a 50' right-of-way ending in a cul-de-sac with a 51' radius.

The second roadway labeled as "Belfry Lane NW" is designed with a 50' right-of-way ending in a cul-de-sac with a 51' radius.

The third roadway labeled as "Excalibur Court NW" is designed with a 56' right-of-way.

The fourth roadway labeled as "59 Avenue NW" is designed with a 60' right-of-way. No Parking shall be permitted on 59th Avenue NW from 55th Street NW to Belfry / Baron Lane NW.

The fifth roadway labeled as "55th Street NW" is designed with a 60' right-of-way.

The sixth roadway labeled as "60th Avenue NW" is designed with a 60' right-of-way.

Controlled access is required along the entire frontage of 55th Street NW and 60th Avenue NW, with the exception of any approved street accesses. Additional controlled access is required along the entire frontage of Lot 26, Block 1 and Lot 1, Block 2, that abuts 59th Avenue NW.

A Development Agreement has been executed with addresses the requirement of Pedestrian Facilities.

The topography generally drains from the North and West to the southeast portions of this plat.

Grading Plans have been approved by the City Public Works.

The Soil Survey and National Wetland Indicator maps were reviewed for the presence of wetlands. The consultant has identified wetlands on the property and a site visit occurred with members of the TEP. A Wetland Replacement Plan has been submitted.

Pedestrian Facilities:

Drainage:

Wetlands:

Page 3 Final Plat #02-64 Kingsbury Hills 4th Subdivision July 28, 2003

Public Utilities:

Final utility plans have been approved.

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 101 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.

Parkland Dedication:

The City Park and Recreation Department

recommends that dedication requirements be met via:

Deferred land dedication.

The land to be dedicated when the park site is graded by the applicant and accessible via public street or when the City wishes to begin development of the park.

Outlots B and C (mid-block connections) shall be graded and seeded to turf by the applicant, prior to

deeding to the City.

General Development Plan:

This property is included in the Kingsbury Hills General

Development Plan.

Preliminary Plat Staff Review and Recommendation:

A preliminary plat for this area was approved by the Council on February 19, 2003. The approval of the preliminary plat was subject to thirteen (13) conditions: The conditions are listed below:

- 1. Storm water management must be provided, and a storm water management fee will apply to any areas of this proposed development that participate in the City's Storm Water Management Plan, and do not drain to an existing on-site detention facility. Additionally, off site easements are required for the storm water discharge to areas outside of this subdivision, and for proposed sanitary sewer and watermain that extend beyond the plat boundaries.
- 2. "No Parking" signs shall be posted along 50th St. NW, within 200 feet of the right-of-way intersection with 60th Ave. NW.
- 3. Parkland dedication requirements shall be met via: deferred land dedication and cash in lieu of land per the December 30, 2002 memorandum from Rochester Park and Recreation.
- 4. Following Final Plat, Outlots "A", "B", "C", "D", "E" and "F" shall be dedicated to the City.
- 5. Pedestrian facilities are required along both sides of all new public roads, as well as a bituminous path along the entire southerly frontage of 55th Street NW, and the easterly frontage of 60th Ave. NW. IN addition, the Developer is obligated to construct the 10 foot wide bituminous paths in Outlots "C" through "F". Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations related to pedestrian facilities, including its cash contribution requirements for facilities that the City will be constructing.



Page 4 Final Plat #02-64 Kingsbury Hills 4th Subdivision July 28, 2003

- 6. Controlled access is required along the entire frontage of 55th St. NW, and 60th Ave. NW, with the exception of any approved street accesses. Additional controlled access is required along the entire frontage of Lot 1, Block 3, and Lot 1, Block 1 that abut 58th Ave. NW, and along the entire frontage of Lot 33, Block 1, and Lot 1, Block 2 abutting 51st St. NW, and along the entire frontages of Lot 14, Block 2, and the westerly 30.96 feet of frontage of Lot 1, Block 12, abutting Kingsbury Drive NW.
- 7. Adequate public facilities are not currently in place to serve this proposed development. The timing for development of this subdivision is dependant on the extension of Trunkline Sanitary Sewer to provide gravity service. The timing of construction, and financial obligations of the Owner, shall be addressed for the infrastructure that is needed to meet the "Adequate Public Facilities" requirement in the LDM, prior to Final Plat approval.
- 8. Wetlands exist on this property. Approval is contingent upon obtaining appropriate permits to fill or otherwise disturb wetlands. No grading work is to occur within Wetland areas prior to securing proper permits.
- 9. The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.
- 10. The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.
- 11. Hydrant spacing identified on the preliminary plat is inadequate. Additional hydrants, meeting the requirements shall be provided with the final construction plans.
- 12. Roadway names shall be modified as identified in the December 27, 2002 memorandum from the Planning Department addressing staff and shall be reflected on the Final Plat application.
- 13. Lot 1, Block 12, or a portion thereof, may need to be reserved for future right-of-way needs. Prior to Final Plat application for this portion of the development, a determination will need to be made relative to future right-of-way needs for 60th Ave. NW. The Final Plat shall be modified to reserve additional land for future right-of-way for 60th Ave., if determined necessary.

Planning Staff Review and Recommendation:

The Developer has executed a Development Agreement and this property is subject to the terms of the executed Development Agreement for Kingsbury Hills. Therefore, Staff would recommend approval subject to the following conditions or modifications:

- 1. Prior to submitting the Final Plat for recording:
 - a. Identify controlled access along the entire frontage of 55th Street NW and 60th Avenue NW, with the exception of any approved street accesses.

Page 5 Final Plat #02-64 Kingsbury Hills 4th Subdivision July 28, 2003

- b. Identify controlled access along the entire frontage of Lot 26, Block 1 and Lot 1, Block 2, that abuts 59th Avenue NW.
- 2. Parkland Dedication shall be met via: Deferred Land Dedication, per the attached memo from Rochester Park and Recreation Department, dated July 10, 2003.
- 3. No Parking shall be allowed and "No Parking" signs shall be posted along both sides of 59th Avenue NW to Belfry / Baron Lane NW.
- 4. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the July 9, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.



ROCHESTER PARK AND K. CREATION DEPARTMENT 201 FOURTH STREET SE ROCHESTER MINNESOTA 55904-3769 TELE 507-281-6160 FAX 507-281-6165

MEMORANDUM

DATE:

July 10, 2003

TO:

Jennifer Garness

Planning

RE:

Kingsbury Hills 4th

Final Plat # 02-64

Acreage of plat	27.06 a
Number of dwelling units	84 units
Density factor	.0244
Dedication	2.05 a
Fair market value of land	\$15,000 / a

The Park and Recreation Department recommends that dedication requirements be met via: Deferred land dedication

The deferred land dedication (2.05 acres) to be land identified on the approved GDP as a 6.0 acre neighborhood park. The applicant has previously deferred 2.15 acres with the approval of Kingsbury Hills 3rd. The land to be dedicated when the park site is graded by the applicant and accessible via public street or when the City wishes to begin development of the park.

Outlots B and C (mid block connections) should be graded and seeded to turf by the applicant prior to deeding to the City.



ROCHESTER

---- Minnesota

TO: Consolidated Planning Department

2122 Campus Drive SE Rochester, MN 55904 DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 7/24/03

The Department of Public Works has reviewed the application for <u>FP#02-64</u>, for the proposed <u>Kingsbury Hills Fourth Subdivision</u>. The following are Public Works comments on the proposal:

- 1. A Development Agreement has been executed for this property.
- 2. A City-Owner Contract has executed for this development.
- 3. Controlled access is required along the entire frontage of 55th St NW, and 60th Ave NW, with the exception of any approved street accesses. Additional controlled access is required along the entire frontage of Lot 1, Block 3, and Lot 1, Block 1, that abut 58^{9th} Ave NW.
- 4. No Parking should be permitted on 59th Ave NW from 55th St NW to Belfry / Baron Ln NW.

Charges/fees applicable to the development of this property are addressed in the Development Agreement, and include:

- Sewer Availability Charge (SAC) @ \$1790.25 per developable acre.
- ❖ Water Availability Charge (WAC) @ \$1790.25 per developable acre.
- ❖ A Stormwater Management Fee @ \$2211.76 per acre, for any area of this property that does not drain toward a detention facility, constructed by the Owner, to serve this property.
- ❖ Storm Water Management District Charge (SWMD) @ \$1082.60 per gross acre draining to Section 7, Cascade Township
- Northwest Transportation Improvement District (NWTID) @ \$2007.14 per gross acre
- ❖ First Seal Coat @ \$0.49 per square yard of public street surface
- Traffic Signs as determined by the City Engineer







Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

July 9, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

Pam Hameister, Wendy Von Wald; McGhie and Betts

RE:

KINGSBURY HILLS FOURTH

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE:

\$1680.00 (84 LOTS/ADDRESSES)

GIS IMPACT FEE:

\$635.00 (87 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.

2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the final plat has turned up the following ADDRESS or ROADWAY related issues:

1. Upon review of **KINGSBURY HILLS FOURTH** the GIS / Addressing staff has found no issues to bring forth at this time.

REQUEST FOR COUNCIL ACTION

MEETING

		06-04-03
AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARING	PLANNING	F.10
ITEM DESCRIPTION: Final Plat #03-08 by GP Developme The Applicant is proposing to subdivide approximately 1 single family development and 3 Outlots. The Plat also proadways. The property is located west of 18 th Avenue S Development.	9.71 acres of land into 51 lots for proposes to dedicate new public	PREPARED BY: Theresa Fogarty, Planner

July 28, 2003

Staff Recommendation:

Staff would recommend approval subject to the following conditions:

- 1. At the time of submitting the final plat for recording:
 - a. Illustrating that part of Woodstone Drive SW lying west of its intersection with Weston Place SW as "Woodstone Drive SW".
 - b. Identifying and recording the 12 foot wide Pedestrian Facilities Easement required abutting 18th Avenue SW so it can be identified on the Final Plat as an easement of record. Other utilities that may need to be located along 18th Avenue SW shall be within a separate easement outside of the 12 feet required for the pedestrian path.
 - c. In addition to the Controlled Access shown on the Final Plat, controlled access is required along both sides of Fieldstone Road SW, within 35 feet from the 18th Avenue SW right-of-way.
- 2. Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated July 28, 2003.
- 3. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the July 23, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.

Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.

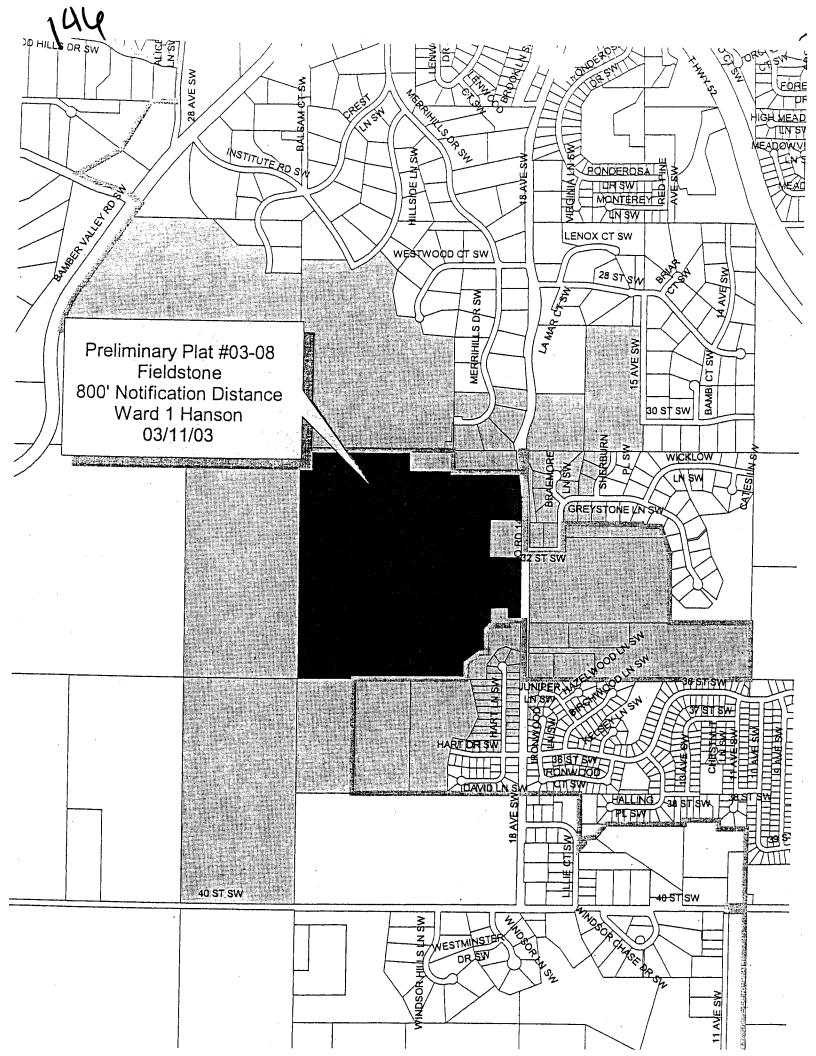
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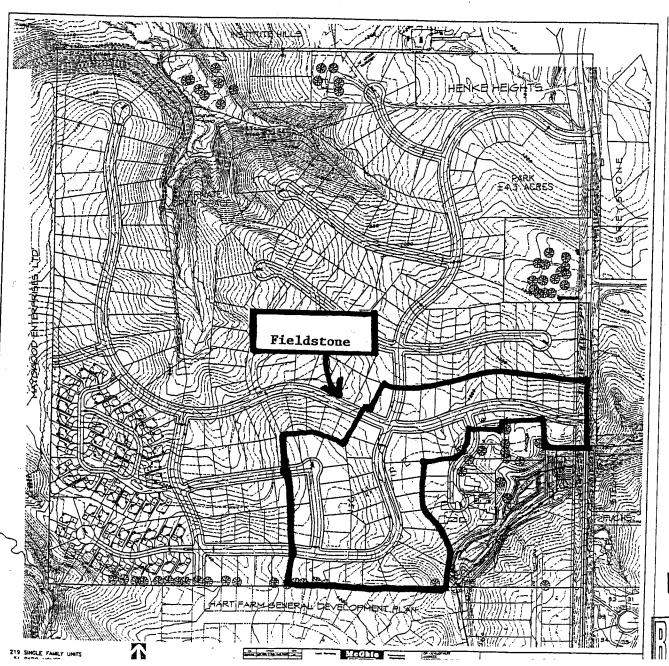
Staff Report, dated July 28, 2003.

Distribution:

- City Attorney
- 2. Planning Department File
- 3. McGhie & Betts, Inc.
- 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, August 4, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by:	Second by:	to:

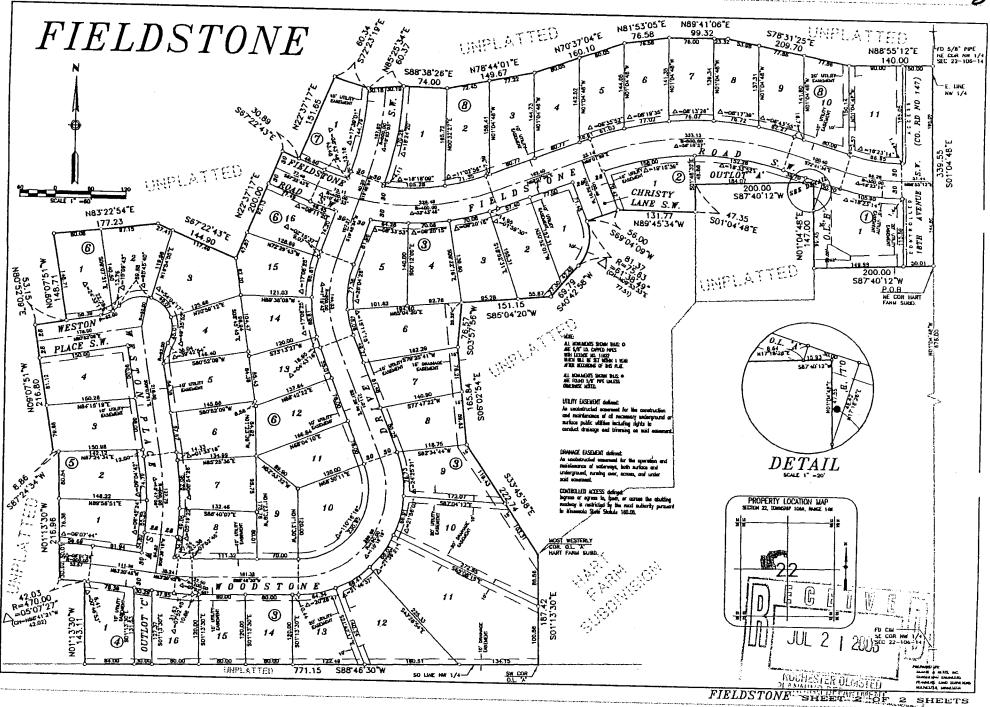




REVISED

DEGEIVE





ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

Rochester Common Council

FROM: Theresa Fogarty, Planner

DATE:

July 28, 2003

RE:

Final Plat #03-08 by GP Development LLC to be known as

Fieldstone. The Applicant is proposing to subdivide

approximately 19.71 acres of land into 51 lots for single family development and 3 Outlots. The Plat also proposes to dedicate new public roadways. The property is located west of 18th Avenue

SW and north of the Hart Farm Development.

Planning Department Review:

Applicant/Owner:

GP Development

3015 SW 18th Avenue Rochester, MN 55902

Surveyors/Engineers:

McGhie & Betts, Inc. 1648 Third Avenue SE Rochester, MN 55904

Referral Comments:

Rochester Park and Rec. Department Rochester Public Works Department Planning Department - GIS Division

Report Attachments:

1. Referral Comments (3 letters)

2. Location Map 3. Copy of Final Plat

4. Fieldstone approved General Development Plan

Development Review:

Location of Property:

The property is located along the west side of 18th Avenue SW and north of the Hart Farm development.

Zoning:

The property is currently zoned R-1 (Mixed Single Family) district on the City of Rochester Zoning Map.

Proposed Development:

This development consists of 19.71 acres of land to be subdivided into 51 lots for single family development

and 3 outlots.



AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER



Page 2 Final Plat #03-08 Fieldstone July 28, 2003

Roadways:

This plat proposes to dedicate right-of-way for five roadways.

The first roadway is named "Fieldstone Road SW" and is designed with a 60' right-of-way. In addition to the Controlled Access shown on the Final Plat, controlled access is required along both sides of Fieldstone Road SW, within 35 feet from the 18th Avenue SW right-of-way.

The second roadway is named "Woodstone Drive SW" and is designed with a 60' right-of-way. The roadway designation for that part of Woodstone Drive SW lying west of its intersection with Weston Place SW is missing. Designate this portion of the roadway as "Woodstone Drive SW".

The third roadway is named "Weston Place SW" and is designed with a 56' right-of-way.

The fourth roadway is named "Christy Lane SW" and is designed with a 56' right-of-way.

The fifth roadway is the westerly half of "18th Avenue SW / County Road 147" and is being platted with a 50' right-of-way.

Olmsted County Public Works has approved the driveway access to County Road 147 (11th Avenue SW).

A Development Agreement has been executed with addresses the requirement of Pedestrian Facilities.

There is a 12 foot wide Pedestrian Facilities Easement required abutting 18th Avenue SW. This easement document will need to be recorded prior to the plat so it can be identified on the Final Plat as an easement of record. Other utilities that may need to be located along 18th Avenue SW shall be within a separate easement outside of the 12 feet required for the pedestrian path.

The topography generally drains from the North and West to the southeast portions of this plat.

Grading Plans have been approved by the City Public Works.

The Soil Survey and National Wetland Indicator maps were reviewed for the presence of wetlands. According to the Soils Survey, hydric soils do not exist on this property.

Final Utility Plans have been approved.

Pedestrian Facilities:

Drainage:

Wetlands:

Public Utilities:

Page 3 Final Plat #03-08 Fieldstone July 28, 2003

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Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 62 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.

Parkland Dedication:

The City Park and Recreation Department recommends that dedication requirements be met via: Deferred land dedication with dedication of land to be met with future dedication of 4.3 acre park as shown on the GDP. Dedication to occur when the park is graded and accessible via public street or when the City wishes to begin development of the park.

General Development Plan:

This property is included within Fieldstone General Development Plan (GDP), approved February 19, 2003.

Preliminary Plat Staff Review and Recommendation:

A preliminary plat for this area was approved by the Council on April 21, 2003. The approval of the preliminary plat was subject to eight (8) conditions: The conditions are listed below:

- 1. The Plat shall be revised:
 - a. Illustrating the roadway that is an extension of "Fieldstone Drive SW" and west of the intersection with "Woodstone Drive SW" as "Fieldstone Road SW".
 - b. Changing the roadway name for "Christy Lane SW", keeping the roadway type and directional.
 - c. Dedicating controlled access across the easterly 65 feet of Lot 1 of Block 1 and Lot 11 of Block 8 to insure no driveway is located within the minimum separation distance area between driveways and street intersections, as required by the Land Development Manual.
 - d. Providing a 20' minimum public utility easement for the three required water main loops to future cul-de-sac areas between Lots 12 & 13, Block 3, Lots 8 & 9, Block 3 and Lots 10 & 11, Block 8.
 - e. Dedicating a 12' wide easement for the pedestrian facilities lying adjacent to the 50' right-of-way required for 18th Avenue SW.
 - f. Missing the roadway designation for that part of Woodstone Drive SW lying west of its intersection with Weston Place SW. Designate this portion of roadway as "Woodstone Drive SW".
- 2. Grading and Drainage Plan approval is required prior to submitting the Final Plat. Onsite stormwater detention shall be required for any areas of this development that would otherwise drain to township lands. A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this property that do not drain to a privately constructed permanent detention facility approved to serve this development.



Page 4 Final Plat #03-08 Fieldstone July 28, 2003

- 3. Pedestrian facilities (concrete sidewalk) shall be required, at the Owner's expense, along both sides of all new public roads within this Subdivision, including the frontages of all Outlots. In addition, the Owner shall be obligated to construct, at the owner's expense, a 10' wide bituminous pedestrian path along the entire frontage of 18th Avenue SW.
- 4. The mid-block pedestrian 30' wide outlot located between Lot 16, Block 3 and Lot 1, Block 4 shall be dedicated to the City as a mid-block connection and the owner shall be obligated to grade and construct a 10' wide bituminous pedestrian path for this connection, prior to dedication to the City.
- 5. Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated February 28, 2003.
- 6. The applicant shall execute Ownership & Maintenance Agreements for Outlots adjacent to the Exception Area, illustrated as Outlot "A" & Outlot "B". Prior to recording the Final Plat Documents, an access easement must be recorded across Outlots "A" or "B" to provide perpetual access to the exception parcel to the south. The Final Plat Documents shall be revised to identify the easement and document number on the face of the Plat.
- 7. The roadways illustrated as "Red Oak Place SW" and "Christy Lane SW" are indicated as less than 36 feet and shall be posted "No Parking" along one side of each roadway.
- 8. Based on the projected level of turning traffic, a southbound right turn lane shall be provided at the intersection of 18th Avenue SW and Fieldstone Drive SW.

Planning Staff Review and Recommendation:

The Developer has executed the Development Agreement and the City-Owner Contract with the City for this property and is subject to the terms of the executed Development Agreement for Fieldstone General Development Plan. Therefore, Staff would recommend approval subject to the following conditions or modifications:

- 1. At the time of submitting the final plat for recording:
 - a. Illustrating that part of Woodstone Drive SW lying west of its intersection with Weston Place SW as "Woodstone Drive SW".
 - b. Identifying and recording the 12 foot wide Pedestrian Facilities Easement required abutting 18th Avenue SW so it can be identified on the Final Plat as an easement of record. Other utilities that may need to be located along 18th Avenue SW shall be within a separate easement outside of the 12 feet required for the pedestrian path.
 - c. In addition to the Controlled Access shown on the Final Plat, controlled access is required along both sides of Fieldstone Road SW, within 35 feet from the 18th Avenue SW right-of-way.

Page 5 Final Plat #03-08 Fieldstone July 28, 2003



- 2. Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated July 28, 2003.
- 3. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the July 23, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.





ROCHESTER PARK AND RECREATION DEPARTMENT 201 FOURTH STREET SE ROCHESTER MINNESOTA 55904-3769 TELE 507-281-6160 FAX 507-281-6165

MEMORANDUM

DATE:

July 28, 2003

TO:

Jennifer Garness

Planning.

RE:

Final Plat #03-08

Fieldstone 1st

Acreage of plat	19.71 a
Number of dwelling units	51 units
Density factor	.0244
Dedication	1.24 a
Fair market value of land	na

The Park and Recreation Department recommends that dedication requirements be met via: Deferred land dedication with dedication of land to be met with future dedication of 4.3 acre park shown on GDP. Dedication to occur when the park is graded and accessible via public street or when the City wishes to begin development of the park.

155

ROCHESTER

— Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 7/22/03

The Department of Public Works has reviewed the application for <u>Final Plat #03-08</u> for the <u>Fieldstone</u> development. The following are Public Works comments on this request:

- 1. A Development Agreement has been executed for this Property.
- 2. A City-Owner Contract has been executed for this Property.
- 3. As specified during the Preliminary Plat review, in addition to the Controlled Access shown on the Final Plat, controlled access is required along both sides of Fieldstone Dr SW, within 35 feet from the 18th Ave SW ROW.
- 4. There is a 12 foot wide Pedestrian Facilities Easement required abutting 18th Ave SW. This easement doc will need to be recorded prior to the plat so that it can be identified on the Final Plat as an easement of record. Other utilities that may need to be located along 18th Ave SW shall be within a separate easement outside of the 12 feet required for the pedestrian path.
- Development charges and fees applicable to the development of this property have been addressed in the Development Agreement, and / or City-Owner Contract.







Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

July 23, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

Pam Hameister, Wendy Von Wald; McGhie and Betts

RE:

FIELDSTONE

FINAL PLAT #03-08

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE:

\$1020.00 (51 LOTS/ADDRESSES)

GIS IMPACT FEE:

\$470.00 (54 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.

2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the final plat has turned up the following ADDRESS or ROADWAY related issues:

1. Missing the roadway designation for that part of Woodstone Drive SW lying west of its intersection with Weston Place SW.

RECOMMENDATION: Designate this portion of roadway as **WOODSTONE DRIVE SW**.

NOTE: The use of CHRISTY LANE SW has been resolved and is now a valid roadway name.

REQUEST FOR COUNCIL ACTION

MEETING 08-04-03

157/

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO.
ITEM DESCRIPTION: Final Plat #02-33 by Arcon Development Inc. to be known as Crimson Ridge. The Plat proposes to subdivide approximately 78.72 acres of land into 81 lots for single family detached housing and 7 outlots for future single family attached housing. The plat also dedicates the right of way for new public roadways. The property is located along the west side of 18 th Ave. NW, north of the Volunteers of America Development and Hunter Hills and east of 24 th Ave. NW.		PREPARED BY: Brent Svenby, Planner

July 30, 2003

Staff Recommendation:

Staff would recommend approval subject to the following conditions:

- 1. No Parking signs shall posted on roadways meeting the standards for no parking per the letter dated July 25, 2003 from the Rochester Fire Department.
- 2. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the July 23, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.
- 3. Construction of a temporary turn-around and dedication of an applicable public easement is required at the northerly extent of 23rd Ave. NW.
- 4. Controlled access shall be dedicated on the plat along the entire frontage 18th Avenue NW, with the exception of the public road access for Crimson Ridge Dr. NW and along the north side of Crimson Ridge Dr. NW, within 75 feet from the intersection of the 18th Avenue NW right-of-way.
- 5. The short stretch of roadway between Mountain Ash Lane NW and the western edge of the plat shall be designated as "60 Street NW" on the plat.
- 6. Parkland dedication for the plat shall be in the form of the combination of land and crash in lieu of land per the attached memo from Rochester Park and Recreation Department, dated July 23, 2003.

Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.

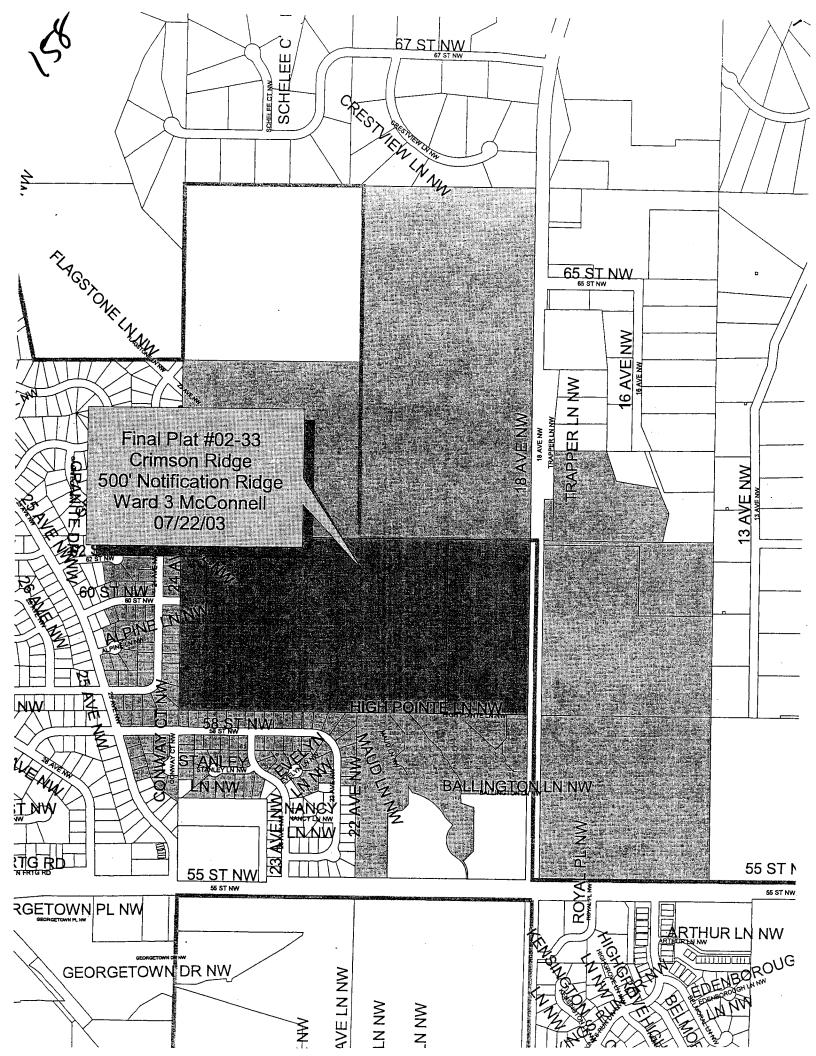
<u> Attachment:</u>

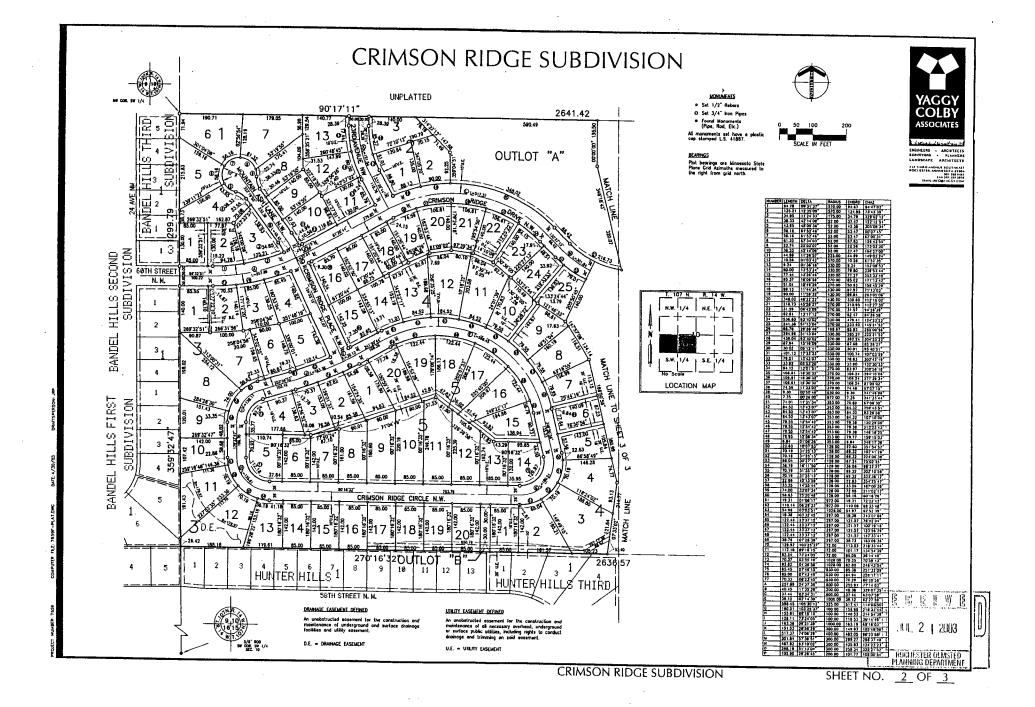
Staff Report dated July 30, 2003.

Distribution:

- City Attorney
- 2. Planning Department File
- 3. Yaggy Colby Associates
- 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, August 4, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by:	Second by:	_ to:





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(2)





2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning





Rochester Common Council

FROM: Brent Svenby, Planner

DATE: July 30, 2003

RE: Final Plat #02-33 to be known as Crimson Ridge Subdivision

Planning Department Review:

Applicant/Owner:

Arcon Development 7625 Metro Boulevard Edina. MN 55439

Surveyors/Engineers:

Yaggy Colby Associates 717 Third Avenue SE Rochester, MN 55904

Referral Comments:

1. RPU Water Division 2. RPU Operations Division

3. Planning Department - Addressing 4. Rochester Building and Safety

5. Rochester Public Works Department

6. Fire Department

7. Park and Recreation Department

8. MnDOT

9. Olmsted County Public Works

Report Attachments:

1. Referral Comments (6 Letters)

2. Location Map

3. Copy of Final Plat

Plat Data:

Location of Property:

The property is located along the west side of 18th Ave. NW, north of the Volunteers of America Development and Hunter Hills and east of 24th Ave.

NW.

Zoning:

The westerly portion of the property is zoned R-1 (Mixed Single Family) district, blocks 1, 2, 3, 4, 5 and a portion of Outlot A, B, and C. The easterly 39.10 acres is zoned R-2 (Low Density Residential), Outlot D, E, F, G and a portion of Outlot A and C.

Proposed Development:

The Plat proposes to subdivide approximately 78.72 acres of land into 81 lots for single family detached housing and 7 outlots for future single family attached

housing.





Page 2 Crimson Ridge Subdivision July 30, 2003

Preliminary Plat:

A preliminary plat for this area was approved by the Council on August 19, 2002. The approval of the preliminary plat was subject to ten (10) conditions: The conditions are listed below:

1. The Final Plat shall include:

- Controlled Access along the frontage abutting 18th Avenue NW and along the north side of the interior roadway (Street A) from 18th Ave. NW right-of-way west to match the location of the driveway serving the senior housing development in the VOA Development.
- A 20' public utility easement for the water main loop shown between Lots 23 & 24, Block 3 and 10' along the rear of Lot 23, Block 3.
- An additional easement width within Outlots B & D to provide a minimum of 10' from the water main.
- The trail corridor running north/south through the property shall be on a 30' outlot on any lot which is not dedicated to the City.
- If a design modification is not approved by the City Council, the applicant will need to provide a mid-block pedestrian connection in the vicinity of Lots 29-32 and 41-45, Block 3 to provide a pedestrian connection between Street "A" and "C".
- 2. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges & Traffic Improvement District charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access control, extension of utilities to adjacent properties, and contributions for public infrastructure.
- 3. A Storm Water Management Fee will apply to any area of the development that dose not drain to an on-site detention facility. An access easement to the pond area will be required at the time platting. Any on-site facilities serving less than 50 acres will e private and will require the execution of a Maintenance and Ownership Agreement. Facilities serving at least 50 acres shall be platted as Outlot(s) and dedicated to the City.
- 4. In addition to pedestrian facilities being required along both sides of all new public roads within the Plat including frontages of all Outlots, a 10' wide bituminous path is required along the west side of 18th Avenue NW.
- 5. Outlot E shall be dedicated to the City, along with an access easement if there is not sufficient access to a public road.
- 6. Construction of a temporary turn-around, and dedication of an applicable public easement, is required at the northerly extend of Streets "B" and "D".
- 7. Street "C" shall be reduced from 36 feet in width to 32 feet (face to face) in width. Street "A" shall be 44 feet (face to face) at its intersection with 18th Avenue NW to accommodate a left turn lane and a right turn lane.
- 8. Parkland dedication shall be met as outlined in the July 11, 2002 memorandum from Rochester Park and Recreation.



- 9. The applicant shall provide a right turn lane from 18th Avenue NW (County Road 112) to Street A and shall obtain an access permit from Olmsted County Public Works.
- 10. The property shall be investigated for wetlands and the necessary information be submitted to the LGU showing if there are or are not wetlands on the property prior to the submittal of any final plats on the property.

Final Plat:

Planning Staff Recommendation:

The Planning Staff has reviewed the submitted final plat and would recommend approval subject to the following conditions:

- 1. No Parking signs shall posted on roadways meeting the standards for no parking per the letter dated July 25, 2003 from the Rochester Fire Department.
- 2. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the July 23, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.
- 3. Construction of a temporary turn-around and dedication of an applicable public easement is required at the northerly extent of 23rd Ave. NW.
- 4. Controlled access shall be dedicated on the plat along the entire frontage 18th Avenue NW, with the exception of the public road access for Crimson Ridge Dr. NW and along the north side of Crimson Ridge Dr. NW, within 75 feet from the intersection of the 18th Avenue NW right-of-way.
- 5. The short stretch of roadway between Mountain Ash Lane NW and the western edge of the plat shall be designated as "60 Street NW" on the plat.
- 6. Parkland dedication for the plat shall be in the form of the combination of land and crash in lieu of land per the attached memo from Rochester Park and Recreation Department, dated July 23, 2003.







Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

July 23, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

Pam Hameister, Wendy Von Wald; Wade Dumond;

Dale Allen

RE:

CRIMSON RIDGE

FINAL PLAT #02-33

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS **RECORDED ON OR AFTER JUNE 1, 2003.**

E911 ADDRESSING FEE:

\$1620.00 (81 LOTS/ADDRESSES)

GIS IMPACT FEE:

\$640.00 (88 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.

2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the final plat has turned up the following ADDRESS or ROADWAY related issues:

1. The short stretch of roadway between Mountain Ash Lane NW and the western edge of plat needs to be given a designation.

RECOMMENDATION: Designate this short stretch of roadway as **60 STREET NW**.





--- Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 7/24/03

The Department of Public Works has reviewed the application for <u>Final Plat #02-33</u>, for the <u>Crimson Ridge</u> development. The following are Public Works comments on this request:

- 1. A Development Agreement has been executed for this Property.
- 2. A City-Owner Contract has been executed for this Property.
- 3. Construction of a temporary turn-around, and dedication of an applicable public easement, is required at the northerly extent of 23rd Ave NW.
- 4. Controlled access shall be dedicated on the Plat along the entire frontage 18th Ave NW, with the exception of the public road access for Crimson Ridge Dr NW, and along the North side of Crimson Ridge Dr NW, within 75 feet from the intersection of the 18th Ave NW ROW.
- Charges/Fees applicable to the development of this property have been addressed in the Development Agreement and City-Owner Contract for the Property.





ROCHESTER PARK AND KCREATION DEPARTMENT 201 FOURTH STREET SE ROCHESTER MINNESOTA 55904-3769 TELE 507-281-6160 FAX 507-281-6165

MEMORANDUM

DATE:

July 23, 2003

TO:

Jennifer Garness

Planning

RE:

Crimson Ridge

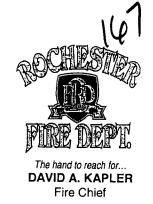
Final Plat # 02-33

The Park and Recreation Department recommends that dedication requirements be met via: Combination of land and cash in lieu of land with payment due prior to recordation of final plat.

The applicant should be required to grade and establish turf to Outlots E and D prior to deeding the outlots to the City.

Dedication credits can be extended for the construction of the 10' trail on Outlot E and D as the trail provides a direct connection to the adjacent school / park site.

^{*}does not include dwelling units in Outlots A, C, G and F. Dedication for these to be determined when site plans and number of dwelling units is submitted.



DATE: July 25, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Rochester Fire Department

SUBJ: Final Plat 02-33 by Acron Development Inc. to be known as Crimson Ridge.

With regard to the above noted project plan, the fire department has the following requirements:

- 1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
- Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - a) Streets less than 36 feet in width shall be posted "No Parking" on one side of the street. Streets less than 28 feet in width shall be posed "No Parking" on both sides of the street.
 - b) Cul-de-sacs less than 96 feet in diameter shall be posted "No Parking".
- 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
- 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division Mark Baker, Rochester Public Works Arcon Development, Inc Yaggy Colby Associates

Rochester Building Safety Department

Memo

To:

Jennifer Garness, Planning Department

Fmm

Kenneth Heppelmann

CC:

Mark Sparks, Electrical Inspector Gary Schick, Plumbing Inspector Arcon Development, Inc. Yaggy Colby Associates

Date:

July 30, 2003

Re:

Final Plat #02-33 by Arcon Development Inc. to be known as Crimson Ridge.

The above referenced development appears to indicate new construction that is regulated under the Building Code and will require building permits. Complete plans and specifications are required to be submitted for a building permits prior to construction.

The proposed construction appears to consist of attached single-family dwellings (townhomes) on separate lots with property lines between the units. Please verify the following items:

- Separate utility services (i.e. sewer, water, gas, electric, etc.) are required to be provided to each dwelling unit. The utilities are not permitted to encroach onto or through the adjacent lots.
- The dwelling units are required to be separated with fire resistive rated wall assemblies in accordance with the 2000 IRC, Section 321.2.
- The fire resistive rating of exterior walls, and projections from such walls, with a fire separation distance of less than three feet is required to comply with IRC Section 302.1.

Please let me know if you have any questions or concerns.

Thank you



PUBLIC WORKS DEPARTMENT 2122 CAMPUS DR SE - SUITE 200 ROCHESTER MN 55904-4744 www.olmstedpublicworks.com 507.285.8231

July 24, 2003

Jennifer Garness Planning Department

Dear Jennifer:

The Public Works Department has reviewed the <u>Final Plat #02-33 by Arcon</u> <u>Development – Crimson Ridge (subdivide 78.72 acres into 81 lots for single family detached housing and 7 outlots)</u> and has the following comments:

Access has been approved to County Road 112 (18th Avenue NW)

Sincerely,

Michael Sheehan County Engineer

MTS/ts



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RE JEST FOR COUNCIL ACTION

MEETING 08-04-03

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	T-12
ITEM DESCRIPTION: Final Plat #03-25 by Freedom Development and Consulting LLC to be known as The Villas of Valley Side 2 CIC #233. The Plat proposes to re-subdivide outlot F of Valley Side Estates into 40 lots for single family attached housing and 2 lots for common open space. The plat also dedicates the right of way for the continuation of Mallard Place SE. The property is located east of 40 th Ave. SE, along the north side of Trumpeter Drive SE and along the west side of Red Hawk SE.		PREPARED BY: Brent Svenby, Planner

July 30, 2003

Staff Recommendation:

Staff would recommend approval subject to the following conditions:

- 1. Prior to the recording of the final plat documents, the care and maintenance agreements for the common areas shall be reviewed and approved by the City.
- 2. No Parking shall be allowed and "No Parking" signs shall be posted along one side of Mallard Place SE.
- A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the July 24, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.
- 4. On the final plat documents the public utility easements must be labeled and defined.

Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.

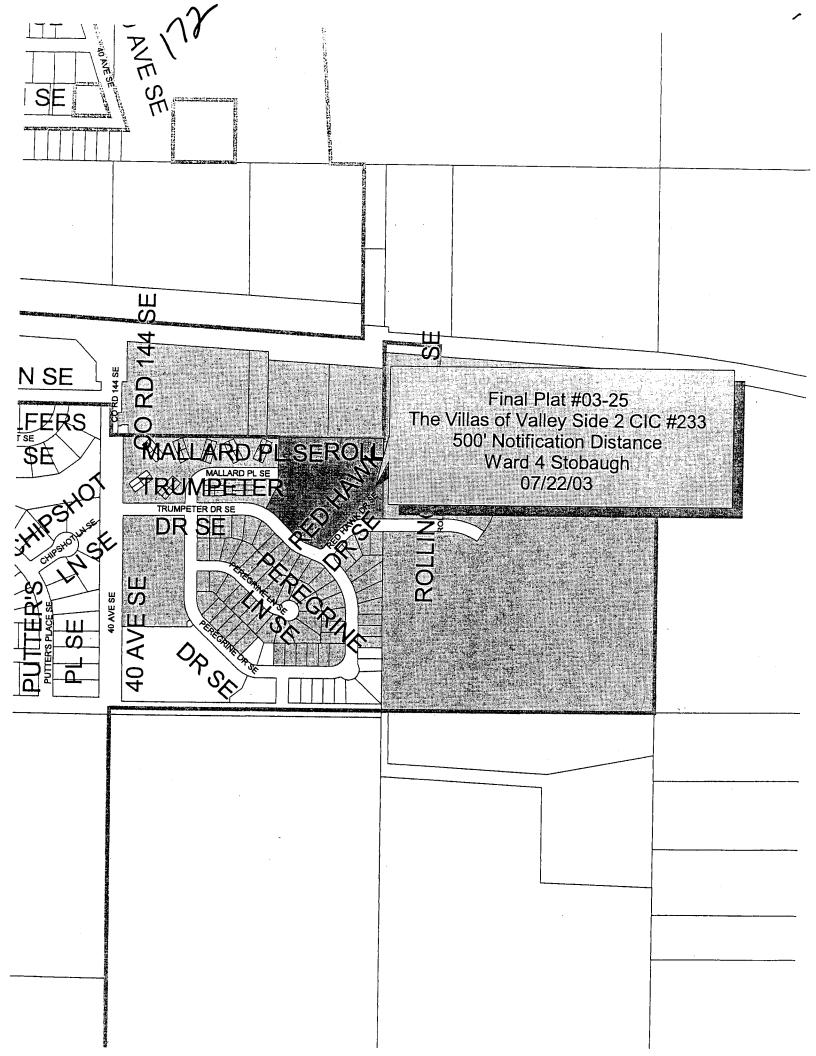
Attachment:

Staff Report dated July 30, 2003.

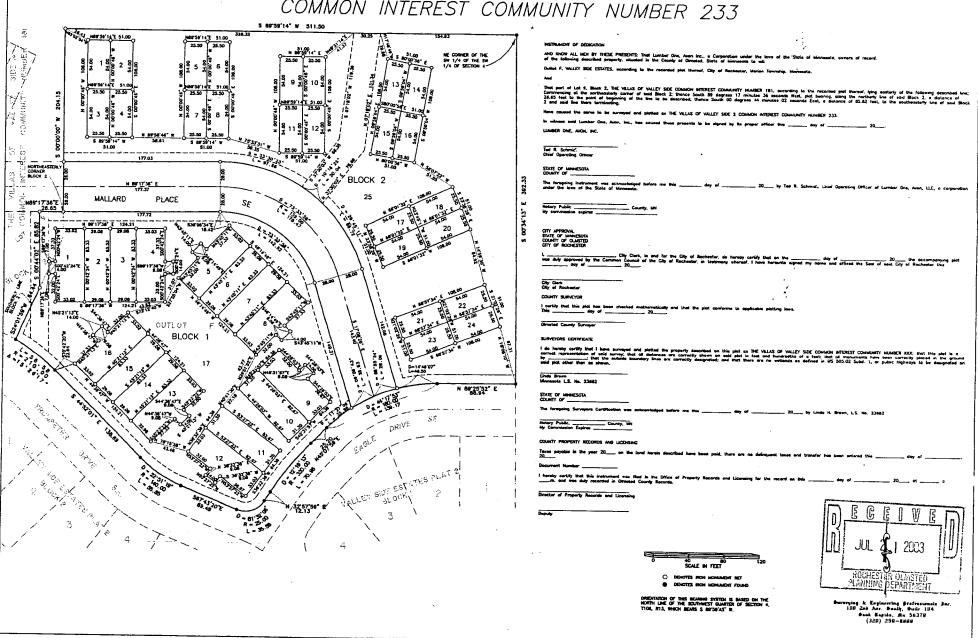
<u>Distribution:</u>

- City Attorney
- 2. Planning Department File
- 3. Surveying & Engineering Professional Inc.
- Applicant: This item will be considered sometime after 7:00 p.m. on Monday, August 4, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by:	Second by:	to:	TOTAL CONTRACTOR OF THE PARTY O
	7-1-1-2-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-		



THE VILLAS OF VALLEY SIDE 2 COMMON INTEREST COMMUNITY NUMBER 233







ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

www.olmstedcounty.com/planning





Rochester Common Council

FROM: Brent Svenby, Planner

DATE: July 30, 2003

Final Plat #03-25 to be known as The Villas of Valley Side 2 CIC RE:

233

Planning Department Review:

Applicant/Owner:

Freedom Development & Consulting

PO Box 1643

St. Cloud, MN 56302

Surveyors/Engineers:

Surveying & Engineering Professional Inc.

100 2nd Avenue South, Suite 104

Sauk Rapids, MN 56379

Referral Comments:

1. RPU Water Division

2. RPU Operations Division

3. Planning Department - Addressing 4. Rochester Building and Safety

5. Rochester Public Works Department

6. Fire Department

7. Park and Recreation Department

8. MnDOT

Report Attachments:

1. Referral Comments (4 Letters)

2. Location Map

3. Copy of Final Plat

Plat Data:

Location of Property:

The property is located east of 40th Ave. SE, along

the north side of Trumpeter Drive SE and along the

west side of Red Hawk SE

Zoning:

The property is currently zoned R-2 (Low Density

Residential) District on the City of Rochester Zoning

Map.

Proposed Development:

The Plat proposes to re-subdivide outlot F of Valley

Side Estates into 40 lots for single family attached

housing and 2 lots for common open space.

Streets:

This plat dedicates the right-of-way for the

continuation of Mallard Place SE. The roadway is

designed as a 33-foot width roadway on a 56-foot

wide right-of-way.



Page 2 The Villas of Valley Side 2 CIC 233 July 30, 2003 175

Sidewalks:

In accordance with current City policy, sidewalk is

required along both sides of all of the new streets

within the subdivision.

Drainage:

The City Public Works Department has approved the

grading and drainage plan for this plat.

Wetlands:

The Soil Survey and National Wetland Indicator maps were reviewed for the presence of wetlands. The maps do not indicate the presence of wetlands on this

property.

Public Utilities:

The public infrastructure plans have been approved

by the City for this development.

Spillover Parking:

The proposed roadway is adequate to accommodate some of the required spillover spaces. Additional spillover spaces will likely be accommodated within

the driveways and the parking bays for the

development.

Parkland Dedication:

Dedication requirements for this area were met with the August 22, 2000 approval of Valley Side Estates Subdivision. The applicant will need to provide private recreation space for the townhomes.

General Development Plan:

The plat is consistent with the approved GDP for the

property.

Preliminary Plat:

A preliminary plat for this area was approved by the Council on October 2, 2000. The approval of the preliminary plat was subject to three (3) conditions: The conditions are listed below:

- 1. The following revisions be made to the plat:
 - > The roadway being dedicated be named. The Planning Department Addressing Staff will need to be contacted regarding an appropriate name.
 - > The controlled access be labeled along 40th Avenue SE.
 - > Easements be dedicated for the public utilities located outside of the public street right of way. The minimum width of these easements shall be 20 feet.
- 2. The roadway intersection near the east edge of the plat must intersect perpendicular to the intersecting street.
- 3. The applicant is required to provide a watermain extension to the adjoining property to the north through Outlot B.

Final Plat:

Planning Staff Recommendation:



Page 3 The Villas of Valley Side 2 CIC 233 July 30, 2003

The Planning Staff has reviewed the submitted final plat and would recommend approval subject to the following conditions:

- 1. Prior to the recording of the final plat documents, the care and maintenance agreements for the common areas shall be reviewed and approved by the City.
- 2. No Parking shall be allowed and "No Parking" signs shall be posted along one side of Mallard Place SE.
- 3. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the July 24, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.
- 4. On the final plat documents the public utility easements must be labeled and defined.



ROCHESTER

--- Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE

Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 7/22/03

The Department of Public Works has reviewed the application for <u>FP#03-25</u>, for <u>The Villas of Valley Side 2 – CIC#233 (aka The Villas of Valley Side Phase 2)</u>. The following are Public Works comments on the proposal:

- 1. A Development Agreement has been executed for this property.
- 2. A City-Owner Contract has been prepared for this development. Execution is required prior to construction of public infrastructure to serve the Property.

Charges/fees applicable to the development of this property are addressed in the Development Agreement, and / or City-Owner Contract, and include (rates through 7/31/03):

- Sewer Availability Charge (SAC) @ \$1790.25 per developable acre.
- ❖ Water Availability Charge (WAC) @ \$1790.25 per developable acre.
- Southeast Transportation Improvement District (SETID) TBD, as specified in the Development Agreement
- ❖ First Seal Coat @ \$0.49 per square yard of public street surface
- Traffic Signs as determined by the City Engineer







Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

July 24, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

Pam Hameister, Wendy Von Wald;

Freedom Development & Consulting LLC

RE:

THE VILLAS OF VALLEY SIDE 2 CIC #233

FINAL PLAT # 03-25

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE:

\$800.00 (40 LOTS/ADDRESSES)

GIS IMPACT FEE:

\$410.00 (42 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.

2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the final plat has turned up the following ADDRESS or ROADWAY related issues.

NOTE: The configuration of buildings and access to the buildings has changed from the original plans. These changes may impact the addressing scheme and the existing addressing for lots in adjacent plats. If readdressing is required in plats that have already been recorded a change of address fee will be assessed at \$55.00 per address.



DATE: July 25, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Rochester Fire Department

SUBJ:

Final Plat 03-25 by Freedom Development and Consulting LLC to be known as The Villas

of valley Side 2 CIC #233.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.

- 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - a) Streets less than 36 feet in width shall be posted "No Parking" on one side of the street. Streets less than 28 feet in width shall be posed "No Parking" on both sides of the street.
- 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
- 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson; RPU, Water Division
 Mark Baker, Rochester Public Works
 Freedom Development & Consulting LLC
 Surveying & Engineering Professionals, Inc.



Rochester Building Safety Department

Memo

To: Jennifer Garness, Planning Department

From: Kenneth Heppelmann

CC: Mark Sparks, Electrical Inspector

Gary Schick, Plumbing Inspector

Freedom Development & Consulting LLC Surveying & Engineering Professionals, Inc.

Date: July 30, 2003

Re: Final Plat #03-25 by Freedom Development and Consulting LLC to be known as Villas of

Valley Side 2 CIC #233.

The above referenced development appears to indicate new construction that is regulated under the Building Code and will require building permits. Complete plans and specifications are required to be submitted for a building permits prior to construction.

The proposed construction appears to consist of attached single-family dwellings (townhomes) on separate lots with property lines between the units. Please verify the following items:

- Separate utility services (i.e. sewer, water, gas, electric, etc.) are required to be provided to each dwelling unit. The utilities are not permitted to encroach onto or through the adjacent lots.
- The dwelling units are required to be separated with fire resistive rated wall assemblies in accordance with the 2000 IRC, Section 321.2.
- The fire resistive rating of exterior walls, and projections from such walls, with a fire separation distance of less than three feet is required to comply with IRC Section 302.1.

Please let me know if you have any questions or concerns.

Thank you



July 24, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: Final Plat #03-25 by Freedom Development and Consulting LLC to be known as The Villas of Valley Side 2 CIC # 233.

Dear Ms. Garness:

Our review of the referenced final plat is complete and our comments follow:

1. The public utility easements must be labeled and defined.

General note:

1. The final utility plans have been approved.

u Richarde

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Freedom Development & Consulting LLC
Surveying & Engineering Professionals, Inc.



REQUEST FOR COUNCIL ACTION

MEETING

DATE: <u>08-04-03</u>

AGENDA SECTION: ORIGINATING DEPT: ITEM NO. PUBLIC HEARINGS PLANNING ITEM DESCRIPTION: Vacation Petition #03-04 by Lumber One Avon Inc. to vacate the drainage and utility easement located on the easterly 5 feet of Outlot A Valley Theresa Fogarty. Side Estates and on the westerly 5 feet of Outlot F Valley Side Estates. The Planner property is located east of 40th Avenue SE, north of Trumpeter Drive SE and west of Red Hawk SE.

July 30, 2003

Planning Department Recommendation:

See attached staff report dated July 30, 2003.

Staff has reviewed the request and is recommending approval vacating the existing drainage and utility easement, as submitted, with the following comments:

1. Prior to recording the vacation, dedication of a new public utility easement shall be executed with the City for relocation of the existing drainage and utilities located within the area being vacated.

Council Action Needed:

1. Following the hearing, if the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution to approve the vacation petition as recommended by staff.

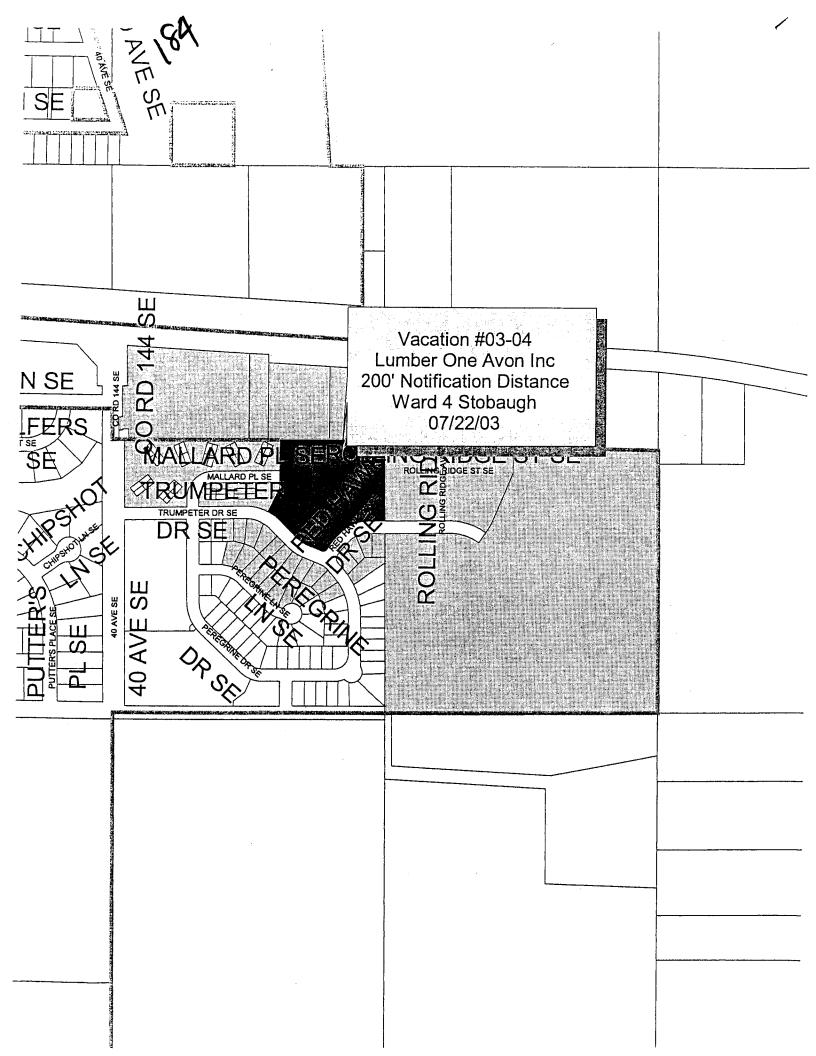
Attachments:

1. Staff Report dated July 30, 2003.

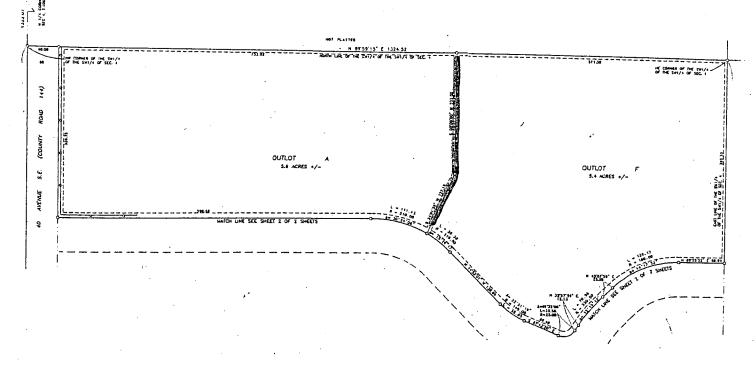
Distribution:

- 1. City Administrator
- 2. City Clerk
- 3. City Attorney: Copy of legal description is attached
- 4. Planning Department File
- 5. Applicant: This item will be considered by the Council sometime after 7:00 p.m. on Monday, August 4, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
- 6. Dave Bell, Project Consultant
- 7. Surveying & Engineering Professionals, Inc.

COUNCIL ACTION: Motion by:	Second by:	to:

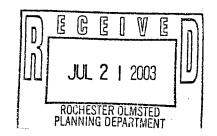


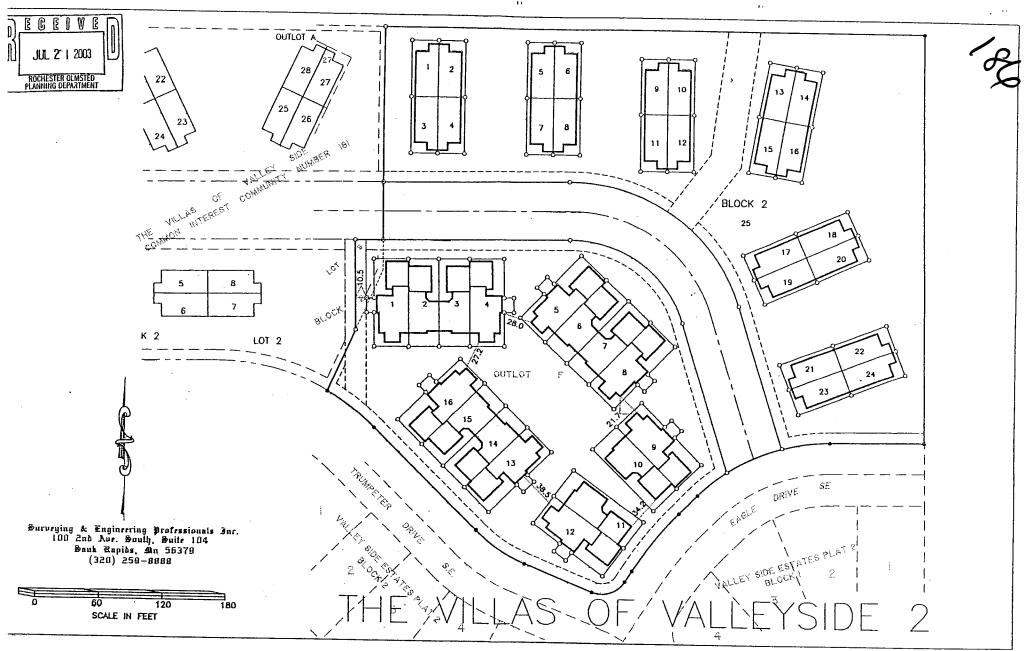
VALLEY SIDE ESTATES



Vacation of drainage and utility easement

That part of the easterly 5.00 feet of Outlot A, VALLEY SIDE ESTATES, according to the recorded plat thereof, which lies 5.00 feet southerly of the north line of said Outlot A, and lies 10.00 feet northerly of the southerly line of said Outlot A, as measured at a right angle to, and parallel with the said southerly line, and that part of the westerly 5.00 ft of Outlot F, VALLEY SIDE ESTATES, according to the recorded plat thereof, which lies 5.00 feet southerly of the north line of said Outlot F, and lies 10.00 feet northerly of the southerly line of said Outlot F, as measured at a right angle to, and parallel with the said southerly line.





ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

Rochester City Council

FROM:

Theresa Fogarty, Planner

DATE:

July 30, 2003

RE:

Vacation Petition #03-04 by Lumber One Avon, Inc. to vacate the drainage and utility easement located on the easterly 5 feet of Outlot A Valley Side Estates and on the westerly 5 feet of Outlot F Valley Side Estates. The property is located east of 40th Avenue SE, north of Trumpeter Drive SE and west of Red Hawk SE.

Planning Department Review:

Petitioner(s):

Lumber One Avon, Inc.

P.O. Box 7

Avon, MN 56310

Consultant:

Dave Bell

P.O. Box 1643

St. Cloud, MN 56302

Engineer/Surveyor:

Surveying & Engineering Professionals, Inc.

100 Second Avenue South, Suite 104

Sauk Rapids, MN 56379

Reason to Vacate:

The petitioner is requesting vacating the utility and drainage easement to accommodate the setback requirements and new boundary utility easements for the development of Phase 2, Villas of Valleyside.

Referral Comments:

1. Rochester Public Works

Report Attachments:

1. Vacation Petition

2. Location Map

3. Referral Comments (1 letter)

Staff Recommendation:

Staff has reviewed the recommendation presented by the Rochester Public Works and is recommending approval vacating the existing drainage and utility easement, as submitted, with the following comments:

1. Prior to recording the vacation, dedication of a new public utility easement shall be executed with the City for relocation of the existing drainage and utilities located within the area being vacated.





ROCHESTER

--- Minnesota

TO: Consolidated Planning Department

2122 Campus Drive SE Rochester, MN 55904 DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 7/25/03

The Department of Public Works has reviewed the application requesting <u>Vacation #03-04</u> by <u>Lumber One</u> to vacate a portion of a drainage & utility easement. The following are Public Works comments on the proposal:

1. Public Works has no objection to granting this request provided an easement is granted for relocation of the drainage and utilities.

REQUEST FOR COUNCIL ACTION

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MEETING

AGENDA SECTION:
PUBLIC HEARINGS

ORIGINATING DEPT:
PLANNING

ITEM DESCRIPTION: Vacation Petition #03-05 by Brian and Laura Newell to vacate a portion of the 40' drainage and utility easement located along the westerly lot line within Lot 27, Block 2, Emerald Hills Third Subdivision. The property is located at 2943 Rosemary Lane NE.

DATE: 08-04-03

ITEM NO.

PREPARED BY:
Theresa Fogarty,
Planner

July 30, 2003

Planning Department Recommendation:

See attached staff report dated July 30, 2003.

Staff is recommending approval of the vacation request, as submitted, with the following comments:

1. Prior to recording this vacating request, the applicant must grade the property and receive approval of a grading activity by City Public Works. The Owner must also receive written permission on the abutting owner's land, to the North, to perform the grading activities on the abutting lot.

Council Action Needed:

1. Following the hearing, if the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution to approve a portion of the vacation petition as recommended by staff.

Attachments:

1. Staff Report dated July 30, 2003.

Distribution:

- 1. City Administrator
- 2. City Clerk
- 3. City Attorney: Copy of legal description is attached
- 4. Planning Department File
- 5. Applicant: This item will be considered by the Council sometime after 7:00 p.m. on Monday, August 4, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
- 6. McGhie & Betts, Inc.

COUNCIL ACTION: Motion by:	Second by:	_ to:



MEMORANDUM

DATE: Ju

July 31, 2003

TO:

Mayor and Common Council

FROM:

Michael Nigbur

RE:

Vacation in Emerald Hills #03-05

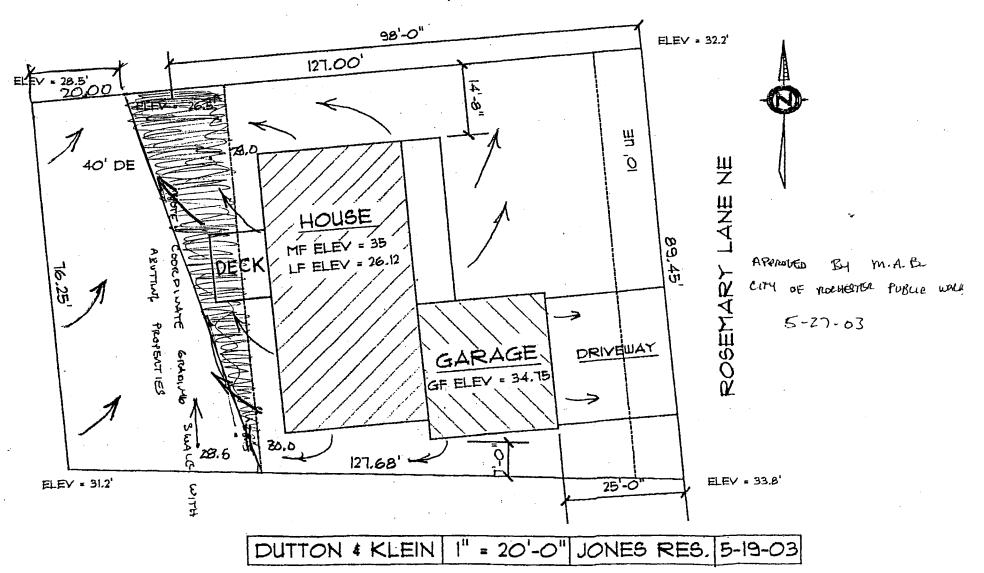
CC:

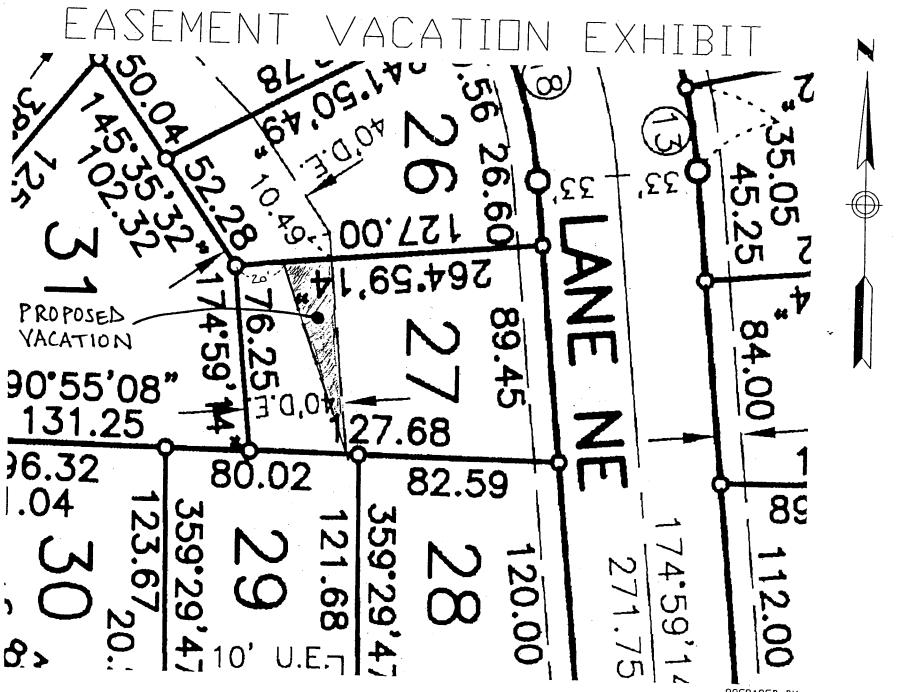
After discussing the proposed condition of this vacation request it was determined that some additional clarification may be needed for Council Action.

This vacation request is somewhat unique whereby the existing conditions require the drainage easement to be kept in place. However, if the applicant grades the property and relocates the drainageway, acceptable to Public Works, the easement lying outside of the drainageway would no longer be needed. The applicant intends to perform the grading work however, he did not wish to risk the cost of grading of the property if the vacation was not guaranteed for approval. He therefore has requested the vacation to be approved subject to proper grading on his property.

There is also a slight modification needed for the second sentence "The <u>Applicant</u> Owner must also receive written permission on the abutting owner's land, to the North"

LOT 27, BLOCK 2 EMERALD HILLS THIRD OLMSTED COUNTY, MN





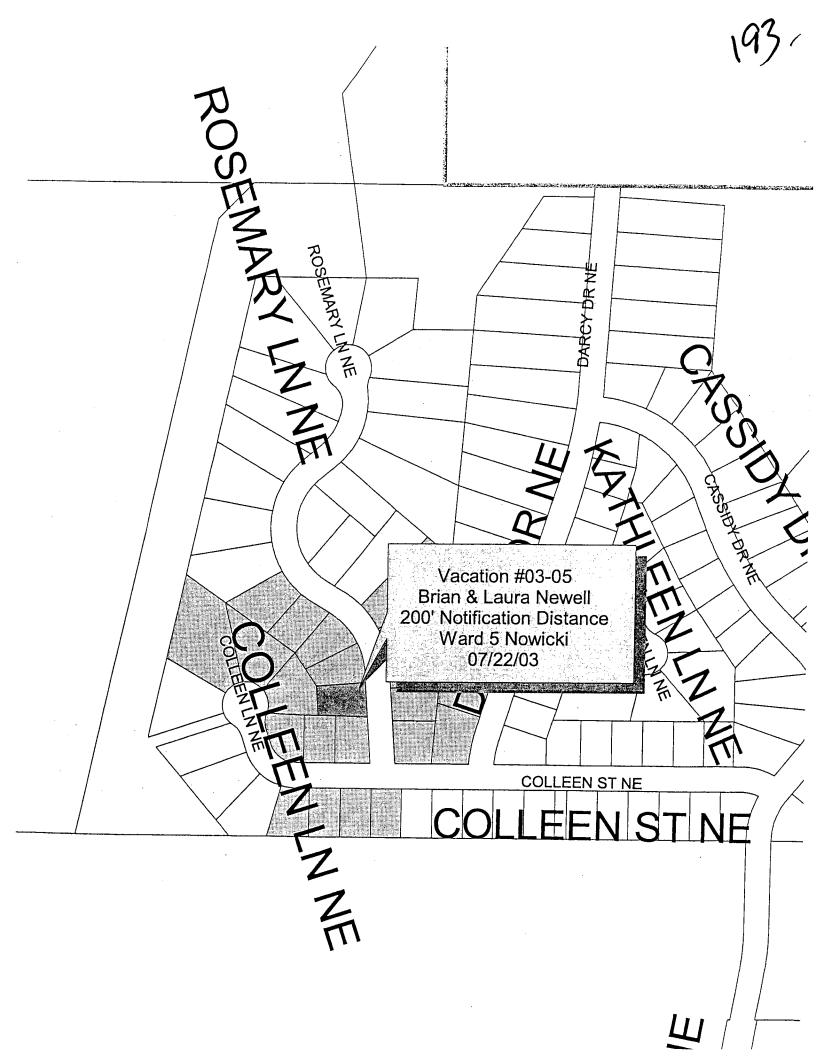
PREPARED BY:

McGHIE & BETTS, INC.

CONSULTING ENGINEERS

PLANNERS, LAND SURVEYORS

ROCHESTER, MINNESOTA





ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

Rochester City Council

FROM:

Theresa Fogarty, Planner

DATE:

July 30, 2003

RE:

Vacation Petition #03-05 by Brian and Laura Newell to vacate a portion of the 40' drainage and utility easement located along the westerly lot line within Lot 27, Block 2, Emerald Hills Third Subdivision. The property is

located at 2943 Rosemary Lane NE.

Planning Department Review:

Petitioner(s):

Brian and Laura Newell

2943 Rosemary Lane NE Rochester, MN 55906

Engineer/Surveyor:

McGhie & Betts, Inc.

1648 Third Avenue SE Rochester, MN 55904

Reason to Vacate:

The petitioner is requesting to vacate a portion of the 40' drainage and utility easement allowing for the construction of a deck on the rear of the home that is

currently under construction.

Referral Comments:

1. Rochester Public Works

Report Attachments:

1. Vacation Petition

2. Location Map

3. Referral Comments (1 letter)

Staff Recommendation:

Staff has reviewed the recommendations presented by Rochester Public Works and is recommending approval of the vacation request, as submitted with the following comments:

1. Prior to recording this vacating request, the applicant must grade the property and receive approval of a grading activity by City Public Works. The Owner must also receive written permission on the abutting owner's land, to the North, to perform the grading activities on the abutting lot.



195

ROCHESTER

-- Minnesota

TO: C

Consolidated Planning Department

2122 Campus Drive SE Rochester, MN 55904 DEPARTMENT QF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 7/25/03

The Department of Public Works has reviewed the application requesting Vacation #03-05 by Newell to vacate a portion of a drainage & utility easement. The following are Public Works comments on the proposal:

1. Public Works has no objection to granting this request provided the applicant grades the property and receives approval of a grading activities by Public Works prior to recording of the vacation. Owner must also receive written permission on the abutting owner's land, to the North, to perform the grading activities on the abutting lot.

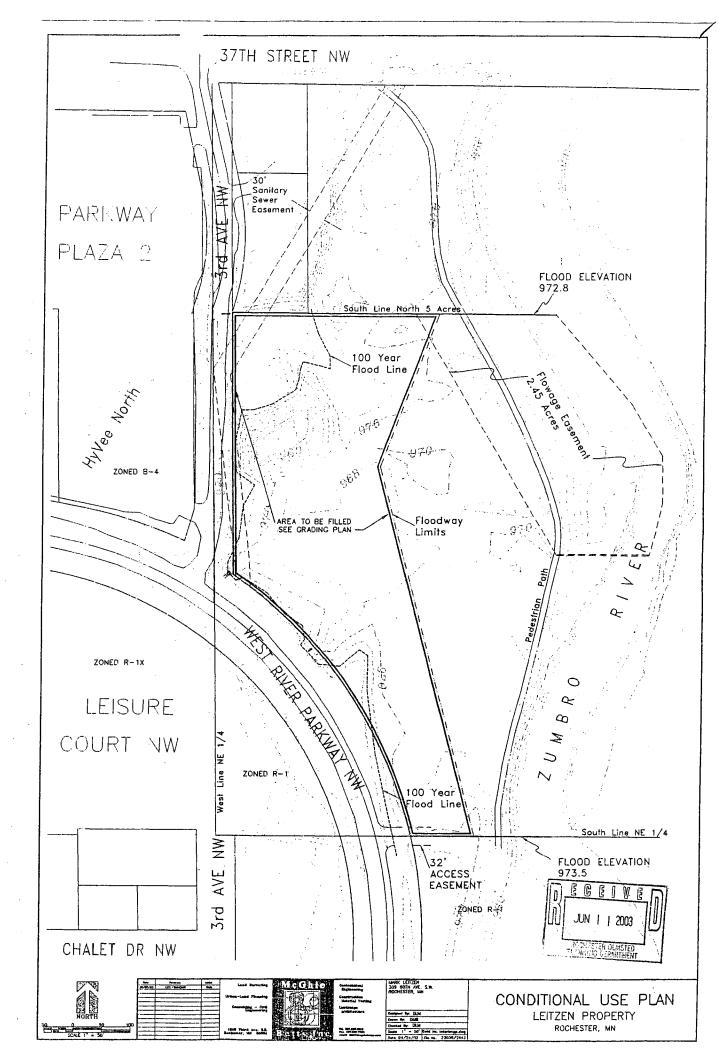


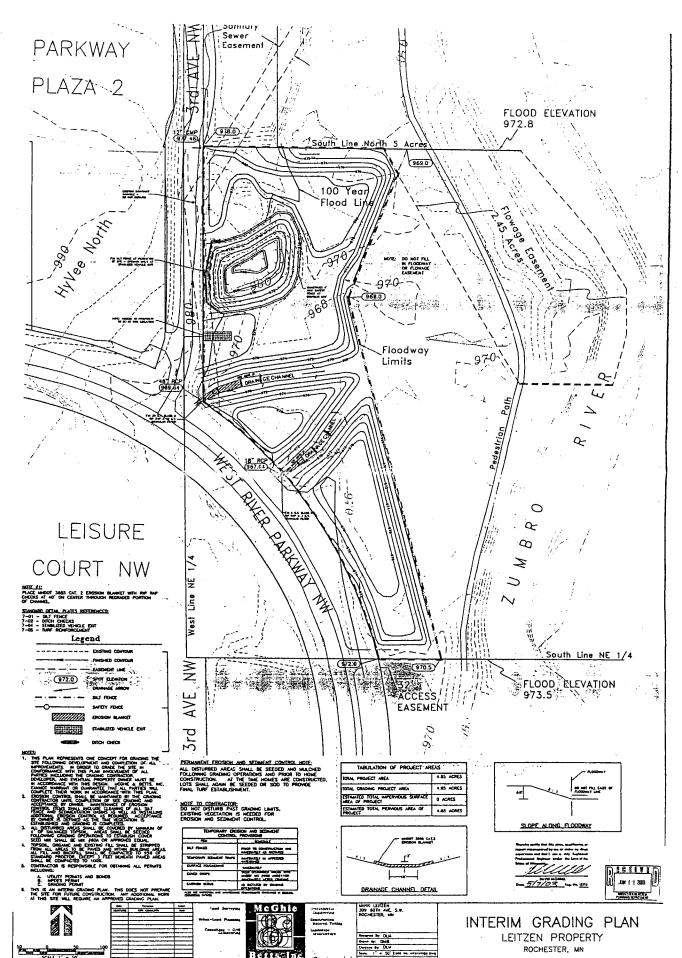
REQUEST FOR COUNCIL ACTION

MEETING

DATE: 8-4-03

40-1104 0-0-10-1	<u></u>	DATE: 6-4-03
AGENDA SECTION:	ORIGINATING DEPT:	ITEM,NO.
PUBLIC HEARINGS	PLANNING	E-15
ITEM DESCRIPTION: Type III, Phase III Conditional Use allow for the placement of fill in the flood fringe distri (approximately 35,000 cubic yards) in the flood fringe with the construction of a building. The property is keep River Parkway NW, along the east side of 3 rd Ave. NW	ct. The proposal is to place fill district which is not associated poated along the north of West	PREPARED BY: Mitzi A. Baker, Senior Planner
July 25, 2003		
City Planning and Zoning Commission Recommendation		
On July 9, 2003 the City Planning and Zoning Commission In The Commission recommended approval of the Conditions/modifications:	neld a public hearing to consider Cond onditional Use Permit (8-0) sub	itional Use Permit #03-35 pject to the following
1. If fill material, other than natural unprocessed earth deposited at this site, the applicant shall provide to other government agencies for the deposition of sideposited at this site, the applicant shall file a copt the Planning Department for such activity, prior to	the Planning Department with a cop such materials. For example, if con by of a permit from the MN Pollution	y of permits required by crete rubble were to be
 Access to this property shall be limited to the approven shall be no use of 3rd Ave. NW north of the approven Permit. 	oved driveway access shown on the ed access point for truck hauling as	e Grading Plan. There sociated with this
3. Financial Surety, in the amount of \$25,000.00, shall activities, for wear or damage to the public road scondition survey, of public roads, shall be conduc	stem both during and after operation	ons. A before and after
Council Action Needed:		
1. If the Council wishes to proceed, it should in approving, approving with conditions, or dentering the criteria included in the staff report.	struct the City Attorney to preparying the Conditional Use Permit	re a resolution either request based upon
Distribution:	*	
1. City Administrator		
City Attorney: Legal Description Attached		
3. Planning Department File	an 7:00 mas in the Occupation	
4. Applicant: This item will be considered some time after Center on Monday August 4, 2003.5. McGhie & Betts, Inc.	er 7:00 pm in the Council/Board Cham	ibers at the Government
	and hu	
COUNCIL ACTION: Motion by: Sec	to:	





ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

City Planning & Zoning Commission

FROM:

Mitzi A. Baker, Senior Planner

DATE:

July 25, 2003

RE:

Type III, Phase III Conditional Use Permit #03-35 by Mark Leitzen to allow for the placement of fill in the flood fringe district. The proposal is to place fill (approximately 35,000 cubic yards) in the flood fringe district which is not associated with the construction of a building. The property is located along the north of West River Parkway NW, along the east side of 3rd Ave. NW and south of 37th

Street NW.

Planning Department Review:

Applicant:

Mark Leitzen

309 SW 60th Ave. Rochester, MN 55902

Engineer/Consultant:

McGhie & Betts, Inc.

1648 Third Ave SE Rochester, MN 55904

Requested Action:

The applicant is requesting a Type III, Phase III conditional use permit to allow the placement of fill in the Flood Fringe District

which exceeds 1,000 c.y. and is not associated with the

construction of a building, as required in Section 62.846, 2) of the Rochester Zoning Ordinance and Land Development Manual.

Location of Property:

This property is located east of 3rd Ave. NW and Hy-Vee north.

south of 37th St. NW and north of West River Parkway.

Zoning:

R-1 (Mixed Single Family) District and Flood Fringe Overlay

District.

Standards for Approval:

Conditional use permits in the Flood Districts are subject to the same standards as every conditional use (see Section 61.146),

and some specific conditions related to the Flood Districts

(62.824).

Report Attachments:

1. Location Map

2. Proposed grading plan.

3. Referral Comments





Analysis:

The applicant is proposing to place more than 1,000 c.y. of fill on property designated as Flood Fringe. According to Section 62.846, 2) of the Rochester Zoning Ordinance and Land Development Manual, a conditional use permit is required for this activity since it is not associated with the construction of a structure.

A copy of the proposed grading plan is attached, which would need to be approved by Rochester Public Works, and Planning, prior to issuing a grading permit, if this Conditional Use Permit were approved. The Plan identifies two drainage channels and a sedimentation pond. This grading plan is intended to be an "Interim Grading Plan". Future use or development of the property would require additional grading plan review/approval prior to development.

Conditional use permits in the Flood Districts are subject to the same standards as every conditional use (Section 61.146), and some specific conditions related to the Flood Districts (62.824).

Planning Commission Action Needed:

Conditional use permits of this sort require Council approval. The Planning Commission should review this item and make a recommendation to approve, approve with conditions, or deny this request to be forwarded to the Council (this is not a public hearing with the Planning & Zoning Commission). The Council will hold a public hearing at a later date.

Recommendation:

Mn DNR does not support this Conditional Use Permit application, suggesting that prudent floodplain management suggests that we only allow an amount of fill necessary to meet the needs of a development and that complete filling of the flood fringe leaves no room for error and encourages the unnecessary elimination of our natural flood storage areas.

At the Planning Commission meeting, Mr. Phil Wheeler presented information to the Commission supporting the approval of this conditional use permit (see minutes from CPZC meeting) subject to the following conditions:

- 1. If fill material, other than natural unprocessed earth material (i.e. soil, sand, gravel) is proposed to be deposited at this site, the applicant shall provide the Planning Department with a copy of permits required by other government agencies for the deposition of such materials. For example, if concrete rubble were to be deposited at this site, the applicant shall file a copy of a permit from the MN Pollution Control Agency with the Planning Department for such activity, prior to conducting said activity.
- 2. Access to this property shall be limited to the approved driveway access shown on the Grading Plan. There shall be no use of 3rd Ave. NW north of the approved access point for truck hauling associated with this Permit.
- 3. Financial Surety, in the amount of \$25,000.00, shall be provided to the City prior to commencing grading activities, for wear or damage to the public road system both during and after operations. A before and after condition survey, of public roads, shall be conducted jointly with the consultant and City Engineer.



- 61.145 **Matters Under Consideration**: The review of a conditional use is necessary to insure that it will not be of detriment to and is designed to be compatible with land uses and the area surrounding its location; and that it is consistent with the objectives and purposes of this ordinance and the comprehensive plan.
- 61.146 **Standards for Conditional Uses**: The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:
 - 1) provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
 - 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
 - 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
 - 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
 - 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
 - 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
 - 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
 - 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.
- 62.824 Conditional Use Permits Standards for Approval: When deciding on Conditional Use Permits in any of the flood districts, the following factors, in addition to the standards of Paragraph 61.146 shall also be considered:
 - 1) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - 2) The danger that materials may be swept onto other lands or downstream to the injury of others.

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- 3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary condition.
- 4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- 5) The importance of the services provided by the proposed facility to the community.
- 6) The need for a waterfront location for the facility.
- 7) The availability of alternative locations not subject to flooding for the proposed use.
- 8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- 9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- 10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- 11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- 12) Such other factors which are relevant to the purposes of Paragraph 62.800.



Garness Jennifer

From: Bob Bezek [Bob.Bezek@dnr.state.mn.us]

Sent: Tuesday, June 17, 2003 9:46 AM garness.jennifer@co.olmsted.mn.us

Subject: CUP #03-35, Mark Leitzen, Fill in the Flood Fringe

Jennifer,

I received a notice for the above referenced CUP and have some concern with it. In theory the floodfringe is designed or modeled to account for impacts associated with this type of filling. However, prudent floodplain management suggests that we only allow an amount of fill necessary to meet the needs of a development.

In the case of our floodplain areas a plan should proceed their manipulation. Complete filling of the floodfringe leaves no room for error and encourages the unnecessary elimination our natural flood storage areas. It is recommended that filling only be allowed where an approved development plan exists for the site. Only with a site plan can we adequately assess the need for fill. If portions of a site do not need to be filled it is in the interest of the common good to require that they not be filled.

Thank you for the opportunity to provide input.

Bob Bezek Area Hydrologist DNR Waters

Phone: (507) 285-7423 Fax: (507) 285-7144

E-Mail: bob.bezek@dnr.state.mn.us

Visit Our Website At: www.dnr.state.mn.us/waters/





--- Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904 DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX ~ 507-281-6216

FROM: Mark E. Baker

DATE: 6/24/03

Public Works has reviewed the requested <u>Conditional Use Permit #03-35</u> by <u>Mark Leitzen</u> for the placement of fill in a flood fringe district, associated with the West River Parkway GDP#195. The following are Public Works comments on this request:

- 1. Grading & Drainage Plan approval is required prior to commencement of grading activities for this project.
- 2. Access to and from this site for activity related to this CUP request shall be limited to a temporary driveway constructed along West River Parkway NW at a location and to a design approved by the City Engineer.



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060 2900 48th Street N.W. Rochester, MN 55901-5848

Office Tel: 507-280-2913 Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

June 19, 2003

Jennifer Garness
Rochester-Olmsted Planning Department
2122 Campus Drive SE – Suite 100
Rochester, MN 55904

Re:

Type III, Phase III Conditional Use Permit #03-35 by Mark Leitzen to allow for the placement of fill in the flood fringe district. The property is located along the north of West River Parkway NW, along the east side of 3rd Ave. NW and south of 37th Street NW.

Land Subdivision Permit (Preliminary Plat) #03-19 by Badger Hills LLC to be known as Badger Hills Subdivision. The property is located along the north side of Valley High Road NW, west of West Circle Drive and west of 50th Ave. NW.

Type II Performance Residential Development Conditional Use Permit #03-33 by DLT Partners LLC for the development of a townhome development that exceeds 9 units per acre. The property is located along the west side of West River Parkway NW, east of 4th Avenue NW and south of 31st St. NW.

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. Although these proposals do not have direct accesses to Mn/DOT roadways, Mn/DOT recommends the City of Rochester monitor traffic impacts for both city and state roadways.

Thank you for keeping Mn/DOT informed. You may contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777 with any questions you may have.

Sincerely,

Dale E. Maul

Planning Director



- 3. Grading & Drainage Plan approval is required prior to development. The plan indicates that the Owner is requesting to participate in the City's Storm Water Management Plan (SWMP) in lieu of ploviding on-site storm water detention. A Storm Water Management fee, based on the applicable rate for the LUF of the proposed density, will be applicable for the benefit of participation in the City's SWMP.
- 4. The Owner is obligated for constructing the proposed modified trail alignment and ramps along West River Parkway NW
- Dedication of parkland shall be handled in the form outlined in the June 23, 2003 Memorandum from the Rochester Park and Recreation Department.

TYPE III, PHASE III CONDITIONAL USE PERMIT:



Type III, Phase III Conditional Use Permit #03-35 by Mark Leitzen to allow for the placement of fill in the flood fringe district. The proposal is to place fill (approximately 35,000 cubic yards) in the flood fringe district which is not associated with the construction of a building. The property is located along the north of West River Parkway NW, along the east side of 3rd Ave. NW and south of 37th Street NW.

Ms. Mitzi A. Baker presented the staff report, dated July 1, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Wheeler clarified that staff's recommendation had been to deny based on comments made by the DNR. However, for several reasons, the recommendation from staff now is to approve. Therefore, the Commission should refer to the conditions listed in the revised handout dated July 8, 2003.

Mr. Wheeler explained that the development is originally part of a general development plan that provided for some B-4 type uses. However, the general development plan was not approved. Had it been approved, they would not need a conditional use permit for filling in the flood fringe. The purpose of the conditional use permit is to make sure that we do not fill the flood fringe any more than necessary for the development of that property.

Mr. Wheeler explained that there are two different districts that apply within the flood plain outside of the floodway (flood fringe and flood prone district). The flood fringe and floodway designations are part of the minimum standards that the DNR imposes on every City. In 1980, the City of Rochester and Olmsted County adopted a flood prone district that goes beyond the minimum standards. In flood prone districts, it requires not only prevention of upstream flood impacts from filling in the flood plain, but also prevents any downstream flood impacts from filling in the flood plain. This property is not zoned flood prone because it was part of the City at the time the flood prone district was established and it was only established applying to newly annexed areas. The DNR is suggesting that the flood prone standard be applied to the flood fringe district. If we wish too do that, the property should be rezoned to the flood prone district.

Mr. Wheeler stated that the property is filled with debris and needs to be cleaned up. To clean it up, grading will be required. Given the need for grading and consistency with the GDP, the conditional use permit should be approved.



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City Planning and Zoning Commission Minutes

Hearing Date: July 9, 2003

Mr. Quinn questioned the need for condition number and 1 and 3.

Ms. Baker stated that condition number 1 could be stricken.

Mr. Haeussinger moved to recommend approval of Type III, Phase III Conditional Use Permit #03-35 by Mark Leitzen with the three staff-recommended conditions as listed below. Mr. Quinn seconded the motion. The motion carried 8-0.

CONDITIONS:

- 1. If fill material, other than natural unprocessed earth material (i.e. soil, sand, gravel) is proposed to be deposited at this site, the applicant shall provide the Planning Department with a copy of permits required by other government agencies for the deposition of such materials. For example, if concrete rubble were to be deposited at this site, the applicant shall file a copy of a permit from the MN Pollution Control Agency with the Planning Department for such activity, prior to conducting said activity.
- 2. Access to this property shall be limited to the approved driveway access shown on the Grading Plan. There shall be no use of 3rd Ave. NW north of the approved access point for truck hauling associated with this Permit.
- 3. Financial Surety, in the amount of \$25,000.00, shall be provided to the City prior to commencing grading activities, for wear or damage to the public road system both during and after operations. A before and after condition survey, of public roads, shall be conducted jointly with the consultant and City Engineer.

PUBLIC HEARINGS:

Land Subdivision Permit (Preliminary Plat) #03-19 by Badger Hills LLC to be known as Badger Hills Subdivision. The Plat proposes to subdivide 79.50 acres of land into 171 lots for residential development and 5 outlots. The plat also proposes right-of-way dedication for public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located along the north side of Valley High Road NW, west of West Circle Drive and west of 50th Ave. NW.

Ms. Mitzi A. Baker presented the staff report, dated July 2, 2003, to the Commission. The staff report is on file at the Rochester-Olmstea Planning Department.

Ms. Baker asked that revised plans be submitted two weeks prior to the City Council meeting.

Ms. Baker asked to add the following sentence to staff recommended condition number 6: "The phasing of final plats may be required to limit the number of lots being established, prior to the construction of the second access." She indicated that she was unsure if the applicant was intending to plat the entire property in one phase or several.

Mr. Quinn asked if staff recommended approval of the substantial land alteration.

REQUEST FO	OR COUNCIL ACTION	MEETING DATE: 8/4/03
AGENDA SECTION: RESOLUTIONS AND ORDINANCES	ORIGINATING DEPT: CITY ATTORNEY'S OFFICE	ITEM NO. G
ITEM DESCRIPTION: RESOLUTIONS AND ORDINANCES		PREPARED BY: TERRY ADKINS
G. 1. RESOLUTIONS		
G. 2. FIRST READING OF ORDINANCES,	, as appropriate.	
G. 3. SECOND READING OF ORDINANC	ES (for adoption).	
a) An Ordinance Amending and Real Relating To The Organization and Management	enacting Chapter 10 Of The Rochester of anagement Of The Building Safety Dep	Code of Ordinances, artment.
b) An Ordinance Amending And Rea Rochester Code of Ordinances, Rela Establishment of Fees.	enacting Sections 50.01, 50.02, 50.03, a liting To The Adoption Of The State Buil	and 50.04 Of The Iding Code and The
c) An Ordinance Amending and Rec	enacting Chapter 52 Of the Rochester C	Code Of Ordinances,

- d) An Ordinance Amending and Reenacting Chapter 51 Of The Rochester Code of Ordinances, Relating To The Plumbing Code.
- e) An Ordinance Amending And Reenacting Chapter 55 Of The Rochester Code of Ordinances, Relating To The Adoption Of The 2000 International Fire Code.

G. 4. MISCELLANEOUS

Relating To The Electrical Code.

COUNCIL ACTION: Motion by:_	Second by:	to:
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